

THE CHARTER,

WITH THE AMENDMENTS THERETO,

AND

REVISED ORDINANCES

OF THE

CITY OF SPRINGFIELD, ILLINOIS;

WITH REFERENCES TO THE

DECISIONS OF THE SUPREME COURT OF THE STATE

RELATING TO MUNICIPAL CORPORATIONS:

AND WITH

AN APPENDIX

CONTAINING GENERAL LAWS OF THE STATE, ETC., RELATING TO THE CITY.

PUBLISHED BY AUTHORITY OF THE CITY COUNCIL OF THE CITY OF SPRINGFIELD, UNDER THE
SUPERVISION OF

WILLIAM J. BLACK, Esq.,

ATTORNEY AT LAW.

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THE present volume is the fifth compilation, or revision, of the Ordinances of the town and city, since the incorporation of the town government, in April, 1832.

The first revision, if it may be so called, consisted of an ordinance, entitled, "An ordinance for the good government of the town of Springfield," and was prepared by Col. E. D. Baker, and passed by the board of trustees, January 19, 1836, and published upon a printed sheet about eighteen inches square.

The second revision, consisted of a printed pamphlet of twelve pages, entitled, "Ordinances of the city of Springfield," and was passed by the city council, at its first meeting after the organization of the city government, April 27, 1840, and published under the supervision of Schuyler Strong, Esq.

The third revision consisted also of a printed pamphlet of eighteen pages, entitled, "Ordinances of the city of Springfield," and was passed October 5, 1844, and published under the supervision of James C. Conkling, Esq.

The fourth revision, and first publication of the ordinances of the city in book form, was made in 1851, under the supervision of John Calhoun, Esq.

Owing to the great alterations made in the amended city charter of 1854, the large and rapid increase in population and wealth, and the changes incident thereto, and to other causes, new municipal legislation had been required, to harmonize with the new charter, and to meet the new condition and necessities of the city; the result of which was, that the revision of 1851 had been almost entirely repealed, or become almost totally inapplicable, by various amendments, alterations, or new enactments.

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Under these circumstances, the reviser was employed by the city council to collect and compile the scattered and irregular legislation of the city, and report the same to the city council, with such amendments or additions thereto, as he thought necessary—and the result of their joint labors, is the present volume of ordinances.

Municipal corporations are necessarily vested with large and important discretionary powers, which should always be used sparingly, and for the public good, and only exercised from public necessity. All unnecessary legislation which restrains the natural rights of individuals, without any compensating public benefit, savors of oppression. The city council, in the enactment of ordinances, has, it is confidently believed, endeavored to avoid unnecessary legislation, and has been content to adopt general provisions, leaving their application to special cases, to the courts, and to those intrusted with their administration.

The reviser, in the performance of the task allotted to him, has endeavored, as far as was practicable, to bring all the provisions upon the same subject together, and arrange them in their proper order, and under their proper heads. The compilation, however, is not by any means perfect. There are necessary details in all laws, which will escape the attention and scrutiny of the most skillful, acute, and vigilant of draftsmen or legislators, and the perfecting of any code of laws is the labor of time and experience. Yet it is hoped, that with a judicious lopping off of superfluities, and supplying of omissions, it may answer the purposes for which it was prepared, for several years, and form the basis from which future compilations may be more easily made and perfected. If the present work is any improvement upon former compilations, and will aid in making the municipal laws of the city more public, more accessible to, or more easily comprehended by those who are engaged in their administration, or amenable to their provisions, the labor bestowed upon its preparation will not be regretted—a labor, which only those who have been engaged in similar tasks, can realize.

SPRINGFIELD, March 1, 1858.

NOTES

IN RELATION TO THE CITY AND COUNTY.

EARLY SETTLEMENT.

THE county of Sangamon was formed out of Bond and Madison counties, and established by an act of the Legislature, January 30, 1821. The first settlements in the county were made during the years 1818 and 1819.

Among the first settlers were several members of a family by the name of Kelly, who, sometime during the year 1818, or 1819, settled upon the present site of the city, and one of them, John Kelly, erected his rude cabin upon the spot where now stands the building known as the "Garrett house;" this was the first habitation erected in the city, and perhaps in the county, also. Another of the Kelly's built his cabin a short distance to the westward of the first, and near the spot where stands the residence of Mrs. Torrey; and the third, near or upon the spot where A. G. Herndon now resides. A second family, by the name of Duggett, settled in that portion of the western part of the city, known by the early inhabitants as "Newsomville," sometime in the early part of 1820; and some half dozen other families were added to the new settlement during the year 1821.*

One of the primitive cabins of these hardy pioneers, may yet be seen standing a short distance south-east of Hutchinson's cemetery. The county, at the time of its formation, contained about seventy-

* The reviser is indebted for the above facts, to Jas. H. Matheny, Esq.

five families, or four hundred and fifty inhabitants; but such was the rapidity with which its population increased, that before the public lands were subject to entry, in November, 1823, it contained over five thousand inhabitants, and this number was increased to twelve thousand six hundred and ninety in 1830, and to seventeen thousand five hundred and seventy-three, in 1835.

FOUNDING OF CITY.

The first county commissioners' court for Sangamon county was held on Tuesday, April 3d, 1821, at the house of John Kelly, on Spring Creek. Zachariah Peter, Wm. Drennon and Rivers Cormac were the first county commissioners. Charles R. Matheny was appointed county clerk.

A special term of the county commissioners' court was held April 10th, 1821, at Kelly's house, and the temporary location of the county seat was made by the county commissioners, who returned into court a certificate of such location, which, after reciting in the preamble, the requirements of the act of the legislature, proceeds:

"THEREFORE, we, the undersigned, county commissioners, do certify, that we, after full examination of the situation of the present population of said county, have fixed and designated a certain point in the prairie, near John Kelly's field, on the waters of Spring Creek, at a stake set, marked "Z. D.," as the temporary seat of justice for said county, and do further agree, that said county seat be called and known by the name of 'SPRINGFIELD.'"

The point chosen as above, is said to have been located at the S. E. corner of Lot 8, in Block 6, O. T. P., N. W. corner of Second and Jefferson streets, and here the first court house and county jail were built, in the latter part of 1821—the jail by contract, for the sum of \$84. It was shortly afterwards, at the March term, 1822, of the county commissioners' court, "ordered that 14 rods, east and west, including the street, and 12 rods, north and south, including the street, in the town of Springfield, on which the court

house now stands, be set apart for public purposes and the accommodation of the court house and the public buildings.”

The boundaries of the county at that period extended from the north line of Range No. 12, along the third principal meridian, to the Illinois river, thence down the river to the mouth of Balance or Negro (now known as Indian) Creek, thence to the head of said creek, thence to the N. W. corner of Town 12, N., Range 7, West, and thence to the beginning, and embraced the present counties of Logan, Mason, Menard, Tazewell and Cass, and portions of Morgan, Christian, McLean, Marshall, Woodford and Putnam. Afterwards, in 1825, the boundaries of the county were somewhat reduced, so as to embrace the present county of Menard, and a great portion of the counties of Christian, Logan and Mason.

The first term of the circuit court after the organization of the county (which was attached to the first judicial district) was held at the house of John Kelly, by Judge John Reynolds, on Tuesday, May 1st, 1821. John Taylor was sheriff, and Henry Starr, prosecuting attorney. Charles R. Matheny was appointed clerk of the court. This term lasted but one day. With the exception of the April term 1823, which was held by Hon. Thomas Reynolds (afterwards governor of Missouri,) Governor Reynolds continued to preside at our circuit courts until the May term 1825, at which time he was superseded by Hon. John York Sawyer.

TOWN OF CALHOUN.

The public lands in Sangamon county were first surveyed in 1821, and the first public opening of the United States Land Office at Springfield, and the first sales of the public lands, were on the 7th of November, 1823, at which date the lands on which the town of Calhoun, afterwards Springfield, was located, were entered as follows:

S. W. $\frac{1}{4}$, Sec. 27, T. 16 N., R. 5, W., 3d P. M., by Elijah Iles;
S. E. $\frac{1}{4}$, Sec. 28, T. 16 N., R. 5, W., 3d P. M., by Thomas Cox;
N. E. $\frac{1}{4}$, Sec. 33, T. 16 N., R. 5, W., 3d P. M., by John Taylor;
N. W. $\frac{1}{4}$, Sec. 34, T. 16 N., R. 5, W., 3d P. M., by Pascal P. Enos.

The town of Calhoun, by which name the first plat of Springfield is recorded, appears to have been laid out prior to, or immediately subsequent to the first land sales. The plat is recorded December 5, 1823. It was originally named after the Hon. John C. Calhoun, but appears not to have been generally known by the name of Calhoun, but to have retained the name by which it was first christened by the county commissioners. And it is supposed that after Mr. Calhoun's vote in 1826, when Vice President of the United States, against granting a donation of lands to the State for canal purposes—which was the favorite measure in the northern section of the State, at that day, the name of Calhoun was gradually dropped, and the town in a very short time ceased to be known by that name, except in the references of deeds, conveying lots therein. At this period, 1823, Springfield contained not exceeding a dozen log cabins, which were scattered about in the vicinity of where the court house then stood, and the Sangamon river was the boundary line of the settlements in the northern part of the State, and but few of the pioneers had established themselves north of its banks.

The town of Calhoun was surveyed and platted by James C. Stephenson, Esq., and he is said to have received block 21, for his services. Town lots, however, could not have been considered very valuable in those days—for there is a kind of tradition among the old settlers, that he proposed to give Dr. Merryman one-fourth of the block for a pointer dog belonging to the Doctor, to which he took a fancy, and which offer, it is said, was rejected by the Doctor.

LOCATION OF COUNTY SEAT.

The county seat of Sangamon county was permanently located at Springfield, March 18th, 1825, by James Mason, Rowland P. Allen, Charles Green and John B. Sloo, who were appointed special commissioners for that purpose by an act of the Legislature, approved December 23d, 1824. The location was made in consideration of the donation to the county by Elijah Iles and Pascal P. Enos, of

about 42 acres of land embracing blocks 1, 12, 13, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31, of the original town plat—excepting lot five in block one which was reserved.

At a special term of the county commissioners' court, held March 18, 1825, the location by the special commissioners was confirmed, and the donation, (with the exception of the public square, which was to remain as already laid out,) was ordered to be surveyed into blocks and lots, with the streets and alleys corresponding with the original town, (of Calhoun,) and attached to, and made part of the plat of Springfield. Wm. S. Hamilton was appointed to make the survey and plat of the donation to the county, but he having failed to make such survey and plat, at the special term of the court, held April 25, 1825, Thomas M. Neale, was appointed to make the survey. And the plat of "that part of the town of Springfield, given, by the proprietors to the county," as surveyed by Neale, is recorded in book B, page 103, of Records. There is no date to the record, but it was probably filed about the 19th December, 1825. The survey was probably made prior to the 3d of May, 1825, for on that and the two succeeding days, the first public sales of the lots in the donation, were made.

TOWN INCORPORATION.

The first State law in relation to the town, was approved February 9, 1827. By that act, the county commissioners' court was required to appoint a street commissioner for the town, whose duties are prescribed in the act. The county court was also empowered to levy a tax upon "the citizens of said town," not exceeding $\frac{1}{4}$ per cent., for improving the streets of the town.

By the provisions of the act, justices of the peace in the town were required, upon the petition of a majority of the legal voters, to enter an order upon their dockets in relation to the subject matter petitioned for; and such order of the justice constituted a sort of ordinance, and penalties were prescribed in the law, for violating such orders, and they were to be repealed by a petition of the legal voters of the town, in like manner as they were passed.

The town was incorporated April 2, 1832, under the general town incorporation law of the State, of 1831, and the persons named in the annexed table, were elected trustees.

RE-SURVEY OF TOWN.

On the 18th October, 1832, the county court ordered a re-survey of the town to be made, embracing the original town of Calhoun, and the town of Springfield—being the donation to the county, known as Neale's survey; and in conjunction with Elijah Iles, one of the original proprietors, and Mrs. Salome Enos, as administratrix and representative of Pascal P. Enos, another of the proprietors, the re-survey was made by Thomas M. Neale, and the plat thereof acknowledged June 18, 1833, by Jonathan B. Smith, Thomas Mof-fett, and Reuben Harrison, on the part of the county, and by Elijah Iles and Mrs. Salome Enos, administratrix of Pascal P. Enos, on the part of the original proprietors, June 19, 1833. This plat was recorded Nov. 9, 1836. Book K, pages 1 and 2 of Records.

LOCATION OF SEAT OF GOVERNMENT.

By acts of the Legislature, approved 25th February, and 3d March, 1837, the seat of government of the State was to be removed from Vandalia to Springfield, after the expiration of the 20 years for which it was located at Vandalia, and the first session of the General Assembly, after the removal of the seat of government, convened at Springfield on the first Monday of December, 1839.

The location was made at Springfield, upon condition that the inhabitants of the town would subscribe \$50,000 towards the building of the State capitol, and donate the grounds therefor to the State; and the county court was empowered to convey the public square for that purpose. We believe that \$17,000 of this sum was borrowed by individuals from the State Bank, some time in the latter part of 1837, and expended upon the State House; and in 1841, an act of the Legislature was passed, authorizing the remainder to be discharged in Internal Improvement scrip. The town

afterwards assumed the debt in its corporate capacity, and issued its bonds, payable in five years after the 1st November, 1837, with 8 per cent. interest, payable semi-annually. This debt, owing to the great depression of property following the financial revulsions of 1839, and perhaps in some measure to mismanagement of the financial affairs of the town and city, was for many years afterwards a burden to the tax payers of the city, and was not finally extinguished until in 1854. By an act of the Legislature, approved July 20, 1837, the corporate powers of the town were enlarged, in order, perhaps, to meet the exigencies occasioned by the removal of the seat of government; and among other powers, the trustees were empowered to extend the boundaries of the town to two miles square, and to "levy taxes upon the real estate in said town, as extended," not exceeding four per cent. per annum. But by a subsequent act, approved February 15, 1839, the extension of the town was repealed, and its boundaries reduced to its former limits of one mile square.

CITY GOVERNMENT.

The town of Springfield was incorporated as a city April 6, 1840, the old city charter having been on that day, in accordance with its provisions, submitted to the legal voters of the city, and ratified by a majority of them, and afterwards, on the 20th day of April, 1840, the first election for city officers was held.

MUNICIPAL GOVERNMENT.

BOARD OF TRUSTEES.

1832.

PRESIDENT :

CHARLES R. MATHENY.

TRUSTEES :

Cyrus Anderson,
John Taylor,
Elisha Tabor,

Mordecai Mobley,
William Carpenter.*

1833.

PRESIDENT :

CHARLES R. MATHENY.

TRUSTEES :

Cyrus Anderson,
John M. Cabanis,
Wm. Carpenter,

Samuel Morris,
Stephen T. Logan.†

1834.

PRESIDENT :

JAMES R. GRAY.

TRUSTEES :

William Carpenter,
Edmund Roberts,

Nicholas A. Garland,
John Owens.

1835.

PRESIDENT :

C. R. MATHENY.

TRUSTEES :

James L. Lamb,
James W. Keyes,
William Alvey,

Wm. Carpenter,
Philip C. Latham,‡
Peleg C. Canedy.||

* Vice M. Mobley, resigned. † Vice S. Morris, resigned. ‡ Vice Wm. Alvey, resigned.
|| Vice Wm. Carpenter, resigned.

1836.

PRESIDENT :

C. R. MATHENY.

TRUSTEES :

P. C. Canedy,
P. C. Latham,
James W. Keyes,

John F. Rague,
George Passfield.*

1837.

PRESIDENT :

C. R. MATHENY.

TRUSTEES :

P. C. Canedy,
P. C. Latham,
William Butler,

George Passfield,
Joseph Klein.†

1838.

PRESIDENT :

C. R. MATHENY.

TRUSTEES :

P. C. Canedy,
P. C. Latham,
Joseph Klein,

Wm. Butler,
Samuel H. Treat.‡

1839.

PRESIDENT :

C. R. MATHENY.

TRUSTEES :

P. C. Canedy,
P. C. Latham,
Joseph Klein,

S. H. Treat,
Abraham Lincoln,||
Jonas Whitney.§

1840, April 6.

PRESIDENT :

P. C. CANEDY.

TRUSTEES :

Joseph Klein,
Jonas Whitney,

P. C. Latham,
A. Lincoln.

* Vice J. F. Rague, removed from town. † Vice G. Passfield, resigned. ‡ Vice Wm. Butler, resigned. || Vice S. H. Treat, resigned. § Vice C. R. Matheny, died Oct. 14, 1839.

CITY OFFICERS.

1840.

MAYOR:

BENJAMIN S. CLEMENTS.

ALDERMEN:

James R. Gray, 1st Ward.

Washington Iles, 3d Ward.

Joseph Klein, 2nd Ward.

William Prentiss, 4th Ward.

1841.

MAYOR:

WILLIAM L. MAY.

ALDERMEN:

J. R. Gray, 1st Ward.

Harrison A. Hough, 3d Ward.

Joseph Klein, 2nd Ward.

Stacey B. Opdycke, 4th Ward.

1842.

MAYOR:

DAVID B. CAMPBELL.

ALDERMEN:

John Williams, 1st Ward.

H. A. Hough, 3d Ward.

Wm. Carpenter, 2nd Ward.

S. B. Opdycke, 4th Ward.

1843.

MAYOR:

DANIEL B. HILL,

Resigned, and ANDREW McCORMACK elected.

ALDERMEN:

John Williams, 1st Ward.

Enos M. Henkle, 3d Ward.

Wm. Carpenter, 2nd Ward.

Presley A. Saunders, 4th Ward.

1844.

MAYOR:

ANDREW McCORMACK.

ALDERMEN:

Jacob Divilbiss, 1st Ward.

E. M. Henkle, 3d Ward.

Wm. Carpenter, 2nd Ward.

P. A. Saunders, 4th Ward.

1845.

MAYOR:

JAMES C. CONKLING.

ALDERMEN:

Jacob Divilbiss, 1st Ward.

Sullivan Conant, 3d Ward.

W. Carpenter, 2nd Ward.

Thos. Lauschbaugh, 4th Ward.

1846.

MAYOR:

ELI COOK.

ALDERMEN:

John A. Keedy, 1st Ward.	|	S. Conant, 3d Ward.
Wm. Carpenter, 2nd Ward.	|	Thos. Lauschbaugh, 4th Ward.

1847.

MAYOR:

ELI COOK.

ALDERMEN:

J. A. Keedy, 1st Ward.	|	John Fenner, 3d Ward.
Wm. Carpenter, 2nd Ward.	|	John W. Priest, 4th Ward.

1848.

MAYOR:

ELI COOK.

ALDERMEN:

John S. Rodgers, 1st Ward.	|	John Fenner, 3d Ward.
Pascal P. Enos, 2nd Ward.	|	John W. Priest, 4th Ward.

1849.

MAYOR:

JOHN CALHOUN.

ALDERMEN:

J. S. Rodgers, 1st Ward.	|	David Sherman, 3d Ward.
Oliver W. Browning, 2nd Ward.	|	Jno. W. Priest, 4th Ward.

1850.

MAYOR:

JOHN CALHOUN.

ALDERMEN:

J. S. Rodgers, 1st Ward,	|	D. Sherman, 3d Ward.
O. W. Browning, 2nd Ward.	|	John W. Priest, 4th Ward.

1851.

MAYOR:

JOHN CALHOUN.

ALDERMEN:

J. S. Rodgers, 1st Ward.	|	Enos M. Henkle, 3d Ward.
Jno. Williams,* "	|	John W. Priest, 4th Ward.
O. W. Browning, 2nd Ward.	|	

* Vice J. S. Rodgers, deceased.

1852.

MAYOR :

WILLIAM LAVELY,

ALDERMEN :

Franklin Priest, 1st Ward.	|	E. M. Henkle, 3d Ward.
Edward Joyce, 2nd Ward.	|	John W. Priest, 4th Ward.

1853.

MAYOR :

JOSIAH FRANCIS.

ALDERMEN :

F. Priest, 1st Ward.	|	Samuel Grubb, 3d Ward.
Edward Joyce, 2d Ward.	|	John W. Priest, 4th Ward.

1854.*

MAYOR :

WILLIAM H. HERNDON.

ALDERMEN :

Thomas Lewis,	}	1st Ward.	Samuel Grubb,	}	3d Ward.
Morris Lindsay,		Thomas Ragsdale,			
Allen Francis,		Henry Vanhoff,			
William Butler,		Edmund G. Johns,†			
C. H. Lanphier,	}	2nd Ward.	John W. Priest,	}	4th Ward.
C. R. Hurst,		Reuben F. Ruth,			
Benj. McIntyre,†		Orson N. Stafford,			

1855.

MAYOR :

JOHN COOK.

ALDERMEN :

Allen Francis,	}	1st Ward.	Henry B. Grubb,	}	3d Ward.
Morris Lindsay,		Thomas Ragsdale,			
Thomas Lewis,		E. G. Johns,			
John Connelly,		Henry P. Cone,			
C. H. Lanphier,	}	2nd Ward.	Julius H. Currier,	}	4th Ward.
Benj. McIntyre,		Orson N. Stafford,			

* Prior to 1854 there was but one alderman elected in each ward—the amended charter of 1854 increased the number to three for each ward, one of whom is elected each year.

† Vice William Butler, resigned.

‡ Vice Henry Vanhoff, deceased.

1856.

MAYOR:

JOHN W. PRIEST.

ALDERMEN:

Allen Francis,	} 1st Ward.	Geo. L. Huntington,	} 3d Ward.
Morris Lindsay,		E. G. Johns,	
M. M. Van Deusen,		Henry B. Grubb,	
Consul Sampson,*		Thomas J. Dennis,†	
C. H. Lanphier,	} 2d Ward.	H. P. Cone,	} 4th Ward.
C. R. Hurst,		J. H. Currier,	
John Connelly, Jr.,		Wm. Harrower,	

1857.

MAYOR:

JOHN W. PRIEST.

ALDERMEN:

Allen Francis,	} 1st Ward.	Seth M. Tinsley,	} 3d Ward.
Ralph J. Coats,		Thomas J. Dennis,	
Consul Sampson,		Geo. L. Huntington,	
C. H. Lanphier,	} 2d Ward.	William Harrower,	} 4th Ward.
C. R. Hurst,		A. J. Allen,	
John Connelly, Jr.,		J. H. Currier,	

* Vice M. M. Van Deusen, resigned.

† Vice H. B. Grubb, resigned.

STATEMENT

OF THE ASSESSED VALUATION OF PROPERTY, RATE OF TAXATION,
AND POPULATION OF THE CITY.

YEAR.	REAL ESTATE.	PERSONAL PROPERTY.	TOTAL.	GENERAL TAXES, RATE PER \$100.	SCHOOL TAXES, RATE PER \$100.	POPULA- TION.
1832	\$86,466 00	.....	\$86,466 00	25 cts.	.....	.....
1833	100,380 00	.....	100,380 00	25	.....	.....
1834	125,800 00	.....	125,800 00	25	.....	.....
1835	135,300 00	.....	135,300 00	25	.....	.....
1836	367,377 00	.....	367,377 00	25	.....	.....
1837	961,899 00	.....	961,899 00	\$2 50	.....	.....
1838	983,090 00	.....	983,090 00	25 cts.	.....	.....
1839	843,350 00	.....	843,350 00	25	.....	.....
1840	.....	.....	959,174 00	25	.....	2,579
1841	.....	.....	1,027,167 00	25	.....	.....
1842	.....	.....	1,045,919 00	37½	.....	.....
1843	.....	.....	808,706 00	50	.....	.....
1844	.....	.....	829,781 00	37½	.....	.....
1845	.....	.....	804,516 00	50	.....	.....
1846	.....	.....	959,837 00	60	.....	.....
1847	.....	.....	989,875 00	70	.....	.....
1848	.....	.....	993,389 00	70	.....	3,912
1849	.....	.....	1,059,297 00	70	.....	.....
1850	.....	.....	1,169,727 00	70	.....	5,106
1851	.....	.....	1,280,163 00	70	.....	.....
1852	943,320 00	\$358,870 00	1,302,090 00	70	.....	.....
1853	1,165,745 00	1,198,192 00	2,363,937 00	60	.....	.....
1854	1,660,595 00	1,259,985 00	2,911,580 00	45	30 cts.	6,218
1855	1,850,165 00	1,382,267 00	3,233,432 00	45	30	7,250
1856	2,014,400 00	1,184,086 00	3,198,486 00	50	35	.....
1857	\$2,910,032 00	1,541,875 00	4,451,907 00	50	35	.....

No taxes were levied upon personal property prior to 1840—the town corporation having power to levy taxes upon real estate only.

The separate value of real and personal property from 1840 to 1852 could not be ascertained.

TABLE OF CONTENTS.

PART I.

CITY CHARTER.....	3
AMENDMENTS TO CITY CHARTER.....	45
RULES AND ORDER OF BUSINESS OF CITY COUNCIL.....	49

PART II.

REVISED ORDINANCES.....	55
1. ACCOUNTS.....	56
II. ADDITIONS.....	56
III. APPROPRIATIONS.....	57
IV. AWNINGS.....	58
V. BRICKYARDS.....	59
VI. BURYING GROUNDS.....	60
VII. OAKRIDGE CEMETERY.....	61
1. OAKRIDGE CEMETERY.....	61
2. CITY SEXTON.....	63
VIII. CENSUS.....	66
IX. DOGS.....	68
X. ELECTIONS.....	71
XI. FIRE DEPARTMENT.....	80
1. OF THE ORGANIZATION, ETC. OF THE FIRE DEPARTMENT.....	80
2. PRECAUTIONARY REGULATIONS.....	85
3. FIRE LIMITS.....	90
XII. GAMING AND COUNTERFEITING IMPLEMENTS.....	92
XIII. GAS LIGHT COMPANY.....	94
1. GRANTING USE OF STREETS, ETC.....	94
2. ESTABLISHING LAMP DISTRICT, ETC.....	95
3. SUPPLEMENTAL ORDINANCE.....	96
XIV. GUNPOWDER.....	97
XV. HEALTH DEPARTMENT.....	99
1. BOARD OF HEALTH.....	99
2. CITY PHYSICIAN.....	102
3. SUPPLEMENTAL ORDINANCE.....	103

XVI.	HORSES, HOGS, ETC.....	104
XVII.	LICENSES.....	107
	1. LICENSES IN GENERAL.....	107
	2. AUCTIONEERS.....	109
	3. BILLIARD TABLES AND BALL ALLEYS.....	110
	4. BROKERS, INNKEEPERS, AND ORDINARIES.....	111
	5. EXHIBITIONS, SHOWS, AND AMUSEMENTS.....	112
	6. PEDDLERS.....	113
	7. WAGONS AND DRAYS.....	114
XVIII.	LIQUORS.....	117
XIX.	MISDEMEANORS.....	123
	1. OF OFFENSES AFFECTING PUBLIC PEACE, MORALS AND SAFETY	123
	2. OF OFFENSES AGAINST OFFICIAL AUTHORITY.....	130
	3. OF OFFENSES AFFECTING THE STREETS, ALLEYS, AND SIDE- WALKS.....	132
	4. OF BOYS.....	137
XX.	NUISANCES.....	139
	1. NUISANCES IN GENERAL.....	139
	2. NUISANCES UPON LOTS.....	141
	3. DILAPIDATED BUILDINGS.....	143
	4. ASSESSMENTS FOR ABATING NUISANCES.....	146
XXI.	OFFICERS.....	149
	1. OF CITY OFFICERS IN GENERAL.....	149
	2. SALARIES AND FEES.....	153
	3. CITY ATTORNEY.....	155
	4. CITY ENGINEER.....	157
	5. CITY SUPERVISOR.....	159
	6. CITY WEAIGHER.....	162
XXII.	ORDINANCES.....	165
XXIII.	PAUPERS.....	169
XXIV.	POLICE DEPARTMENT.....	174
	1. POLICE DEPARTMENT.....	174
	2. POLICE MAGISTRATES.....	177
XXV.	RAILROADS.....	182
	1. RAILROADS IN GENERAL.....	182
	2. ALTON AND SANGAMON RAILROAD COMPANY.....	183
	3. SPRINGFIELD, KEOKUK AND WARSAW RAILROAD COMPANY..	184
XXVI.	SCHOOLS.....	187
	1. PUBLIC SCHOOLS.....	187
	2. SCHOOL AGENT.....	193
XXVII.	CORPORATE SEAL.....	194
XXVIII.	SEWERS.....	195
XXIX.	SIDEWALKS.....	201
XXX.	SLAUGHTER AND PACKING HOUSES.....	213

XXXI.	STREETS AND ALLEYS.....	216
XXXII.	TAXES.....	219
XXXIII.	STREET TAXES.....	239
XXXIV.	TOWN BRANCH.....	244
XXXV.	TRANSIENT TRADERS.....	245
XXXVI.	TREASURY DEPARTMENT.....	246
XXXVII.	TREES.....	251
XXXVIII.	VEHICLES.....	252
XXXIX.	WARDS.....	253
XL.	PUBLIC WORKS.....	254
	CERTIFICATE OF AUTHENTICATION.....	258

PART III.—APPENDIX.

I.	STATE LAWS RELATING TO CITY.....	
1.	ACTS LOCATING COUNTY SEAT.....	261
2.	ACT CONCERNING TOWN OF SPRINGFIELD.....	263
3.	GENERAL TOWN INCORPORATION ACT.....	265
4.	AMENDMENT TO GENERAL TOWN INCORPORATION ACT.....	270
5.	ACT TO RE-SURVEY TOWN OF SPRINGFIELD.....	271
6.	ACTS LOCATING SEAT OF GOVERNMENT.....	271-2
7.	ACT EXTENDING CORPORATE POWERS OF SPRINGFIELD.....	273
8.	ACT RESTRICTING CORPORATE POWERS OF SPRINGFIELD.....	274
9.	ORIGINAL CITY CHARTER.....	275
10.	AMENDMENTS TO ORIGINAL CHARTER.....	285
II.	ASSESSMENT OF PROPERTY FOR TAXATION.....	289
III.	POLICE MAGISTRATES.....	301
IV.	SCHOOLS.....	303
V.	WARRANTS OF CITIES AND TOWNS.....	305
VI.	ACT AMENDING CHARTERS OF TOWNS AND CITIES...	305
VII.	CHARTER OF SPRINGFIELD GAS LIGHT COMPANY.....	307
	2. PROPOSITION OF GAS COMPANY.....	310
VIII.	RAILROADS.....	312
	INDEX.....	315

PART FIRST.

CITY CHARTER AND OTHER ACTS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ILLINOIS,

AMENDATORY THEREOF.

CHARTER OF THE CITY OF SPRINGFIELD.

AN ACT to reduce the Act incorporating the City of Springfield, and the several Acts amendatory thereof, into one Act, and to amend the same. Approved March 2, 1854.

ARTICLE I. BOUNDARIES, GENERAL POWERS, AND FORMATION OF WARDS.

- " II. OFFICERS—THEIR ELECTION AND APPOINTMENT.
 - " III. ELECTIONS.
 - " IV. POWERS AND DUTIES OF OFFICERS.
 - " V. LEGISLATIVE POWER OF THE CITY COUNCIL—ITS GENERAL POWERS AND DUTIES.
 - " VI. TAXATION.
 - " VII. ASSESSMENTS FOR OPENING STREETS AND ALLEYS.
 - " VIII. PUBLIC IMPROVEMENTS AND ASSESSMENTS THEREFOR.
 - " IX. COLLECTION OF TAXES AND ASSESSMENTS.
 - " X. FIRE DEPARTMENT.
 - " XI. BOARD OF HEALTH.
 - " XII. SCHOOLS AND SCHOOL FUND.
 - " XIII. MISCELLANEOUS PROVISIONS.
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ARTICLE I.

BOUNDARIES, GENERAL POWERS AND FORMATION OF WARDS.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That all the district of country in the county of Sangamon and State of Illinois, contained within the present incorporate limits of the city of Springfield, with such other additions of land as may be incorporated with and come under the jurisdiction of said city, is hereby erected into a city by the name of "The City of Springfield."**

SEC. 2. The inhabitants of said city shall be a corporation by the name of "The City of Springfield," and by that name shall have perpetual succession, sue and be sued, and complain and defend in any court; may make and use a common seal, and alter

* Amended. See Sec. 1 of Act of Feb. 14, 1855. Post No. 2. See also Sec. 1 of Act of Feb. 13, 1857. Post No. 4.

and change it at pleasure ; may take, hold, and purchase such real, personal, or mixed estate as the purposes of the corporation may require, within or without the limits of the city, and may sell, lease, or dispose of the same for the benefit of the city.

SEC. 3. The city of Springfield shall be divided into four wards, the boundaries of which shall be fixed by the city council, and shall be by the city council changed from time to time as they shall see fit, having regard to the number of free white male inhabitants, so that each ward shall contain as near as may be, the same number of white male inhabitants. The city council may create additional wards as occasion may require, and fix the boundaries thereof.

ARTICLE II.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

SECTION 1. The municipal government of the city shall consist of a city council, to be composed of the mayor and three aldermen from each ward. The other officers of the corporation shall be as follows : A city clerk, a city marshal, a city treasurer, a city attorney, a city assessor and collector, a city surveyor and engineer, and a city supervisor, who, in addition to the duties prescribed by this act, shall perform such other duties as may be prescribed by ordinance. There shall also be such other officers, servants, and agents of the corporation as may be provided by ordinance, to be appointed by the city council, and to perform such duties as may be prescribed by ordinance.

SEC. 2. All officers elected or appointed under this act, except aldermen, shall hold their offices for one year and until the election, or appointment, and qualification of their successors respectively. All other officers mentioned in this act and not otherwise specially provided for, shall be appointed by the city council by ballot, on the second Monday of May in each year, or as soon thereafter as may be ;* but the city council may specially authorize the appointment of watchmen and policemen by the mayor, to continue in office during the pleasure of the city council : *Provided*, the mayor, or marshal, may be authorized to remove them from office for good cause. All officers elected or appointed to fill vacancies shall hold for the unexpired term only, and until the election or appointment and qualification of their successors.

SEC. 3. The several wards of the city shall be represented in the city council by three aldermen from each ward, who shall be

* Amended. See Sec. 2 of Act of Feb. 18, 1857. Post No. 4.

bona fide residents thereof, and hold their offices for three years from and after their election, and until the election and qualification of their successors. They shall be divided into three classes, consisting of one alderman from each ward, so that one from each ward shall be annually elected. At the first meeting of the city council after the annual election in April next, the aldermen shall be divided into three classes by lot; the terms of office of those of the first class shall expire in one year, of those of the second class in two years, and of those of the third class in three years: *Provided*, that the present aldermen of the city whose terms of office do not expire at that time shall be placed in the first class, and no election shall be held to supply their places. At the annual election in April, 1854, there shall be elected in the first and second wards of the city three aldermen, and in the third and fourth wards two aldermen for each ward; and thereafter annually, one alderman shall be elected in each of the wards of the city, to represent such ward in the city council.

SEC. 4. If from any cause there shall not be a quorum of aldermen, the clerk shall appoint the time and place of holding a special election to supply such vacancies, and to appoint judges thereof if necessary. If any alderman shall remove from the ward represented by him, his office shall thereby become vacant. If for any cause the officers herein named shall not be appointed on the second Monday of May in each year,* the city council may adjourn from time to time until such appointments are made. If there should be a failure by the people to elect any officers herein required to be elected, the city council may forthwith order a new election.

SEC. 5. Any officer elected or appointed to any office, may be removed from such office by a vote of two-thirds of all the aldermen authorized by law to be elected. But no officer shall be removed except for good cause, nor unless first furnished with the charges against him, and heard in his defence; and the city council shall have power to compel the attendance of witnesses, and the production of papers when necessary for the purpose of such trial, and shall proceed within ten days to hear and determine upon the merits of the case; and if such officer shall neglect to appear and answer to such charge, then the city council may declare the office vacant: *Provided*, this section shall not be deemed to apply to any officer appointed by the city council. Such officer may be removed at any time by a vote of two-thirds as aforesaid, in their discretion: but any officer may be suspended until the disposition of the charges when preferred.

* Amended. See Sec. 2 of Act of Feb. 18, 1857. Post No. 4.

SEC. 6. Whenever any vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election; and the city council shall order such special election within ten days after the happening of such vacancy. Any vacancy occurring in any other office may be filled by appointment of the city council; but no special election shall be held to fill vacancies if more than nine months of the time has expired.

SEC. 7. All citizens of the United States, qualified to vote at any election held under this act, shall be qualified to hold any office created by this act;* but no person shall be eligible to any office under this or any other act in relation to said city, who is now or may hereafter be a defaulter to said city, or to the State of Illinois, or to any other city or county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public money which may have come into his possession. And if any person holding any such office or place within this city shall become a defaulter whilst in office, the office or place shall thereupon become vacant.

SEC. 8. When two or more candidates for any elective office shall have an equal number of votes for such office, the election shall be determined by the casting of lots in the presence of the city council.

ARTICLE III.

ELECTIONS.

SECTION 1. A general election of all the officers of the corporation required to be elected by this act, or any ordinance of the city, shall be held in each of the wards of the city, on the first Tuesday of April in each year, at such places as the city council may appoint, and of which six days previous public notice shall be given by written or printed notices in three public places in each ward, or by publication in the newspaper publishing the ordinances of the city, by the city clerk.

SEC. 2. The manner of conducting and voting at the elections held under this act, and contesting the same, the keeping the poll

* "No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State one year next before the election or appointment." State Constitution, Art. VI, Sec. 7.

lists, canvassing of the votes, and certifying the returns, shall be the same, as nearly as may be, as is now or may hereafter be provided by law at general State elections.* *Provided*, the city council shall have power to regulate elections, and the appointment of the judges thereof.† The voting shall be by ballot, and the judges of the election shall take the same oath, and shall have the same powers and authority as the judges of general elections. After the closing of the polls the ballots shall be counted in the manner provided by law, and the returns shall be returned sealed to the city clerk within three days after the election; and thereupon the city council shall meet and canvass the same, and declare the result of the election. The persons having the highest number of votes for any office shall be declared elected. It shall be the duty of the city clerk to notify all persons elected or appointed to office, of their election or appointment, and unless such persons shall qualify within twenty days thereafter the office shall become vacant.

SEC. 3. No person shall be entitled to vote at any election under this act who is not entitled to vote at State elections,‡ and has not been a resident of said city at least six months next preceding said election; he shall have been, moreover, an actual resident of the ward in which he proposes to vote for ten days previous to such election, and if required by any judge or qualified voter, shall take the following oath before he is permitted to vote: “*I swear (or affirm,) that I am of the age of twenty-one years, that I am a citizen of the United States, (or was a resident of this State at the time of the adoption of the Constitution,)|| and have been a resident of this State one year, and a resident of this city six months immediately preceding this election, and am now and have been for the last ten days past a resident of this ward, and have not voted at this election:*” *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

SEC. 4. No election shall be held in any grog shop or other place where intoxicating liquors are vended by retail.

SEC. 5. The persons entitled to vote at any election held under this act, shall not be arrested on civil process within said city upon the day on which said election is held; and all persons illegally voting at any election held under this act, or the ordinances of the city in pursuance thereof, shall be punishable according to the laws of the State.

* See Chap. 37, Rev. Stat. 1845. Laws of 1849, page 71.

† See Ordinance in relation to Elections. Post.

‡ See State Constitution, Art. VI, Sec. 1.

|| The Constitution became the supreme law of the State “from and after the 1st day of April, 1848.” See State Constitution schedule, Sec. 18.

ARTICLE IV.

POWERS AND DUTIES OF OFFICERS.

SECTION 1. Every person chosen or appointed to an executive, judicial or administrative office under this act, shall before he enters upon the duties of his office take and subscribe the oath of office prescribed in the constitution of this State,* and file the same duly certified by the officer before whom it was taken, with the city clerk.

SEC. 2. The mayor shall before he enters upon the duties of his office, in addition to the usual oath, swear or affirm "*that he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require.*" He shall preside over the meetings of the city council, and shall take care that the laws of this State and the ordinances of this city are duly enforced, respected, and observed within the city, and that all other officers of the city discharge their respective duties; and he shall cause negligence and positive violation of duty to be prosecuted and punished. He shall from time to time, give the city council such information, and recommend such measures as he may deem advantageous to the city.

SEC. 3. He is hereby authorized to call on any and all white male inhabitants of the city or county over the age of eighteen years, to aid in the enforcing the laws of the State, or the ordinances of the city; and in case of riot to call out the militia to aid in suppressing the same, or carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine of not less than five dollars.

SEC. 4. He shall have power whenever he may deem it necessary, to require of any of the officers of the city an exhibit of all his books and papers; and he shall have power to execute all acts that may be required of him by this act or any ordinance made in pursuance thereof.

SEC. 5. He shall be liable to indictment in the circuit court of Sangamon county, for palpable omission of duty, willful oppression, malconduct, or partiality in the discharge of the duties of his

* "Every person who shall be chosen or appointed to any office of trust or profit shall before entering upon the duties thereof, take an oath to support the Constitution of the United States, and of this State, and also an oath of office." State Const., Art. III, Sec. 30.

In addition to the above requirement, every person holding office under the government of the State is required before entering upon the duties of his office to take the oath against duelling. State Const., Art. XIII, Sec. 26.

office, and upon conviction shall be subject to a fine not exceeding one hundred dollars; and the court shall have power, upon recommendation of the jury, to add as part of the judgment that he be removed from office.

SEC. 6. He shall receive such salary as may be fixed by ordinance, not exceeding six hundred dollars per annum.

SEC. 7. All ordinances and resolutions shall before they take effect be placed in the office of the city clerk, and if the mayor approve thereof he shall sign the same, and such as he shall not approve he shall return to the city council with his objections thereto. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered, and if after such reconsideration a majority of all the members elected to the city council shall agree by the "ayes and noes," which shall be entered upon the journals, to pass the same, it shall go into effect; and if the mayor shall neglect to approve or object to any such proceedings for a longer period than three days after the same shall be placed in the clerk's office as aforesaid, the same shall go into effect. He shall *ex officio* have power to administer any oath required to be taken by this act, or any law of the state; to take depositions, the acknowledgment of deeds, mortgages and all other instruments of writing, and certify the same under the seal of the city, which shall be good and valid in law.

SEC. 8. In case of vacancy in the office of mayor, or of his being unable to perform the duties of his office by reason of temporary or continued absence or sickness, the city council shall appoint one of its members by ballot, to preside over their meetings, whose official designation shall be "*Acting Mayor*;" and the alderman so appointed shall be vested with all the powers, and perform all the duties of mayor, until the mayor shall resume his office, or the vacancy shall be filled by a new election.

SEC. 9. The members of the city council shall be *ex officio* fire wardens and conservators of the peace* within the city, and shall be exempt from jury duty and street labor, or the payment of street taxes, during their term of office.

SEC. 10. The clerk shall keep the corporate seal and all papers and books belonging to the city. He shall attend all meetings of the city council, and keep a full record of their proceedings on the journals; and copies of all papers duly filed in his office, and transcripts from the journals of the proceedings of the city council, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall

* See post Art. XIII, Sec. 27, defining the powers of conservators of the peace.

likewise draw all warrants on the treasury and countersign the same, and keep an accurate account thereof in a book provided for that purpose. He shall also keep an accurate account of all receipts and expenditures in such manner as the city council shall direct; and he shall have power to administer any oath required to be taken by this act.

SEC. 11. It shall be the duty of the city attorney to perform all professional services incident to his office, and when required, to furnish written opinions upon questions and subjects submitted to him by the mayor, or the city council, or its committees: *Provided however*, that the offices of city clerk and city attorney may be vested in the same person.

SEC. 12. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the city council shall direct. All moneys shall be drawn from the treasury in pursuance of an order of the city council, by a treasury warrant signed by the mayor or the presiding officer of the city council, and countersigned by the clerk; such warrant shall specify for what purpose the amount therein named is to be paid. The treasurer shall exhibit to the city council at least twenty days before the annual election of each year, and oftener if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury; which account shall be filed in the office of the clerk.

SEC. 13. The city marshal shall perform such duties as shall be prescribed by the city council, for the preservation of the public peace, the collection of license moneys, fines, or otherwise. He shall possess the powers and authority of a constable at common law, and under the statutes of this State,* and receive like fees, but shall not serve civil process without first entering into bond as such constable, to be approved by the county court as in other cases. He shall execute and return all process issued by any proper officer under this act, or any ordinance in pursuance thereof.

SEC. 14. The city engineer or surveyor shall have the sole power, under the direction and control of the city council, to survey within the city limits; and he shall be governed by such rules and ordinances, and receive such fees and emoluments for his services as the city council shall direct and prescribe. He shall possess the same powers in making plats and surveys within the city as is given by law to county surveyors, and the like effect and validity shall be given to his acts, and to all plats and surveys made by him, as

* See Sec. 88, of Chap. 59, Rev. Stat. 1845.

are or may be given by law to the acts, plats and surveys of the county surveyor.* He shall when required superintend the construction of all public works ordered by the city, make out the plans and estimates thereof, and contract for the execution of the same. He shall perform all surveying and engineering ordered by the city council, and shall under their direction establish the grades and boundaries of streets and alleys; but such plans, estimates and contracts, grades and boundaries, shall be first reported to the city council and approved by them, or they shall not be valid.

SEC. 15. The assessor and collector shall perform all duties in relation to the assessing of property for the purpose of levying the taxes imposed by the city council. In the performance of his duties he shall have the same powers as are or may be given by law to county or town assessors, and be subject to the same liabilities. On completing the assessment lists and having revised and corrected the same, he shall sign and return them to the city council. He shall collect all taxes and assessments which may be levied by the city council, and perform such other duties as may be herein prescribed, or ordained by the city council.†

SEC. 16. The supervisor shall superintend all local improvements in the city, and carry into effect all orders of the city council in relation thereto. It shall also be his duty to superintend and supervise the opening of streets and alleys, and the grading, improving, and repairing thereof, and the construction and repairing of bridges, culverts, and sewers; to order the laying, relaying, and repairing of sidewalks, to give notice to the owners of property adjoining such sidewalks when required, and upon the failure of any person to comply with such notice, to cause the same to be laid, relaid, or repaired, and apportion the cost thereof among the persons or lots properly chargeable therewith, and deliver the account thereof to the city clerk, to be laid before the city council; to make plans and estimates of any work ordered, in relation to streets and alleys, bridges, culverts, or sewers; to keep full and accurate accounts in appropriate books, of all appropriations made for work pertaining to his office, and of all disbursements thereof, specifying to whom made, and on what account; and he shall render monthly accounts thereof to the city council.

SEC. 17. The city council shall have power from time to time to require further and other duties of all officers whose duties are

* See Sec. 7 and 8, Chap. 103, Rev. Stat. 1845. As to the duties of surveyors in laying out towns or additions thereto, or sub-divisions, see Sec. 17 and Seq. of Division 1, Chap. 25, Rev. Stat. 1845.

† For further duties of assessor see post Art. IX.

herein prescribed, and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specifically mentioned, and fix their compensation. They may also require all officers severally, before they enter upon the duties of their respective offices, to execute a bond to the city of Springfield, in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for, and pay over, and deliver all moneys and other property received by them; which bond with the approval of the city council certified thereon by the clerk, shall be filed in his office.

SEC. 18. If any person having been an officer of said city, shall not within ten days after notification and request, deliver to his successor in office all the property, books, papers, and effects of every description in his possession, belonging to said city or appertaining to his said office, he shall forfeit and pay for the use of the city, fifty dollars, besides all damages caused by his refusal or neglect so to deliver. And such successor may recover possession of the books, papers, and effects belonging to his office in the manner prescribed by the laws of the State.*

SEC. 19. All officers elected or appointed under this act shall be commissioned by warrant under the corporate seal, signed by the mayor or presiding officer of the city council and clerk.

ARTICLE V.

OF THE LEGISLATIVE POWER OF THE CITY COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 1. The mayor and aldermen shall constitute the city council of the city. The city council shall meet at such time and place as they shall by resolution direct. The mayor when present shall preside at all meetings of the city council, and shall have only a casting vote; in his absence any one of the aldermen may be appointed to preside. A majority of the persons elected aldermen shall constitute a quorum.

SEC. 2. No member of the city council shall during the period for which he is elected, receive any compensation for his services,† or be appointed to or be competent to hold any office of which the

* See Sec. 10 and 11, of Chap. 87, Rev. Stat. 1845.

† Amended. See Sec. 3 of Act of Feb. 18, 1857. Post No. 4.

emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the city council, or be directly or indirectly interested in any contract the expense or consideration whereof is to be paid under any ordinance of the city council, or be allowed to vote in any matter in which he is directly interested personally or pecuniarily.

SEC. 3. The city council shall hold twelve stated meetings (one in each month) during the year, and the mayor or any two aldermen may call special meetings by notice to each of the members of the council, served personally or left at their usual places of abode. Petitions and remonstrances may be presented to the city council, and they shall determine the rule of their own proceedings, and be the judges of the election and qualification of their own members, and shall have power to compel the attendance of absent members.

SEC. 4. The city council shall have the control of the finances and of all the property, real, personal, and mixed, belonging to the corporation, and shall likewise have power within the jurisdiction of the city, by ordinance—

First—To borrow money on the credit of the city, and issue the bonds of the city therefor; but no sum of money shall be borrowed at a higher rate of interest than the rate allowed by law, nor shall a greater sum or sums be borrowed, or at any time outstanding, the interest upon the aggregate of which shall exceed the one-half of the city revenue arising from the ordinary taxes within the city for the year immediately preceding: and no bonds shall be issued or negotiated at less than par value.* The appropriations of the city council for payment of interest, for improvements, and for city expenses during any one fiscal year, shall not exceed the amount of the whole ordinary revenue of the city for the fiscal year immediately preceding; but the city council may apply any surplus money in the treasury to the extinguishment of the city debt, or to the creation of a sinking fund for that purpose, or to the carrying on of the public works of the city, or to the contingent fund for the contingent expenses of the city.

Second—To appropriate money, and to provide for the payment of the debts and expenses of the city.

Third—To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce them within the city and within five miles thereof.

Fourth—To make regulations to secure the general health and comfort of the inhabitants; to prevent, abate, and remove nuisances

* Amended. See Sec. 4, of Act of Feb. 18, 1857. Post No. 4.

and punish the authors thereof by penalties, fine, and imprisonment; to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

Fifth—To provide the city with water; to make, regulate, and establish public wells, pumps, and cisterns, hydrants and reservoirs, in the streets within the city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.

Sixth—To have the exclusive control and power over the streets, alleys, and highways of the city, and to abate and remove any encroachments or obstructions thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean, or otherwise improve the same; to put drains and sewers therein, and prevent the incumbering thereof in any manner, and protect the same from any encroachment or injury.

Seventh—To establish, erect, construct, regulate, and keep in repair bridges, culverts, and sewers, sidewalks and crossways, and regulate the construction and use of the same, and to abate any obstructions or encroachments thereof; to establish, alter, change, and straighten the channels of water courses and natural drains, to sewer the same, or wall them up and cover them over, and to prevent, regulate, and control the filling up, altering, or changing the channels thereof by private persons.

Eighth—To provide for lighting the streets and erecting lamp posts and lamps therein, and regulate the lighting thereof, and from time to time create, alter, or extend lamp districts; to exclusively regulate direct and control the laying and repairing the gas pipes and gas fixtures in the streets, alleys, and sidewalks.

Ninth—To establish and erect markets and market-houses, and other public buildings of the city, and provide for the government and regulation thereof, and their erection and location, and to authorize their erection in the streets and avenues of the city, and the continuation of such as are already erected within the same.

Tenth—To provide for the enclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets or public grounds.

Eleventh—To erect and establish one or more hospitals or dispensaries, and control and regulate the same.

Twelfth—To prevent the incumbering of the streets, alleys, sidewalks, or public grounds, with carriages, wagons, carts, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, or any other substance or material whatever; to compel all persons to keep the snow, ice, dirt, and other rubbish from the sidewalks and street gutters in front of the premises occupied by them.

Thirteenth—To license, tax, and regulate merchants, commission merchants, inn-keepers, brokers, money brokers, insurance brokers, and auctioneers, and to impose duties upon the sales of goods at auction. To license, tax, regulate, suppress and prohibit hawkers, pedlers, pawnbrokers, grocery keepers, and keepers of ordinaries, theatrical or other exhibitions, shows and amusements.

Fourteenth—To license, tax, regulate, and suppress hackmen, draymen, omnibus drivers, porters, and all others pursuing like occupations, with or without vehicles, and prescribe their compensation, and to regulate and restrain runners for stages, cars, and public houses.

Fifteenth—To license, tax, regulate, prohibit, and suppress billiard tables, pin alleys, and ball alleys. To suppress and restrain disorderly houses, tippling shops and groceries, bawdy houses, gaming and gambling houses, lotteries, and all fraudulent devices and practices, and all playing of cards, dice, and other games of chance, with or without betting, and to authorize the destruction of all instruments and devices used for the purpose of gaming.

Sixteenth—To authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing and registering thereof, and the fees and charges to be paid therefor. No license shall be granted for more than one year, and not less than three dollars nor more than five hundred dollars shall be charged for any license under this act, and the fees for issuing the same shall not exceed one dollar; but no license for the sale of wines or other liquors, ardent or vinous, fermented or malt, at wholesale or retail, by grocery keepers inn-keepers or others, shall be issued for less than fifty dollars.

Seventeenth—To restrain, regulate, and prohibit the selling or giving away of any intoxicating or malt liquors by any person within the city, except by persons duly licensed. To forbid and punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice or servant, without the consent of the parent, guardian, master or mistress.

Eighteenth—To prevent, restrain, and punish forestalling and regrating. To regulate the inspection and vending of fresh meats, poultry, and vegetables—of butter, lard, and other provisions, and the place and manner of selling fish, and inspecting the same.

Nineteenth—To regulate, license, and prohibit butchers, and to revoke their licenses for malconduct in the course of trade.

Twentieth—To establish standard weights and measures, and regulate the weights and measures to be used within the city in all cases not otherwise provided by law. To require all traders or dealers in merchandise, or property of any description which is

sold by measure or weight, to cause their measures and weights to be tested and sealed by the city sealer, and to be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law or ordinance.

Twenty-first—To regulate and provide for the inspecting and measuring of lumber, shingles, timber, posts, staves, heading, and all kind of building materials, and for the measuring of all kinds of mechanical work, and to appoint one or more inspectors or measurers.

Twenty-second—To provide for the inspection and weighing of hay, lime, and stone coal, and the place and manner of selling the same. To regulate the measurement of fire wood, charcoal, and other fuel to be sold or used within the city, and the place and manner of selling the same.

Twenty-third—To regulate the inspection of beef, pork, flour, meal, and other provisions; salt, whisky and other liquors to be sold in barrels, hogsheads and other vessels or packages. To appoint weighers, gaugers, and inspectors, and prescribe their duties and regulate their fees: *Provided*, that nothing herein shall be so construed as to require the inspection of any articles enumerated herein, which are to be shipped beyond the limits of the State, except at the request of the owner thereof or his agent.

Twenty-fourth—To regulate the weight and quality of bread to be sold or used within the city.

Twenty-fifth—To regulate the size and quality of bricks to be sold or used within the city, and the inspection thereof.

Twenty-sixth—To create, establish, and regulate the police of the city, to appoint watchmen and policemen, and prescribe their duties and powers.

Twenty-seventh—To prevent and suppress any riot, rout, affray, noise, disturbance, or disorderly assembly, in any public or private place within the city.

Twenty-eighth—To prohibit, prevent, and suppress horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving as aforesaid to be stopped by any person; to prohibit and punish the abuse of animals; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in the streets.

Twenty-ninth—To restrain and punish vagrants, mendicants, street beggars, and prostitutes.

Thirtieth—To regulate, restrain, or prohibit the running at large of horses, cattle, swine, sheep, goats and geese, and to authorize the distraining, impounding, and sale of the same for the costs of the proceedings and the penalty incurred, and to impose penalties

on the owners thereof for a violation of any ordinance in relation thereto. To regulate, restrain, and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

Thirty-first—To prohibit and restrain the rolling of hoops, flying of kites, or any other amusements or practices tending to annoy persons passing on the streets or sidewalks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods, and all other noises, performances, and practices, tending to the collecting of persons on the streets or sidewalks, by auctioneers and others, for the purpose of business, amusement, or otherwise.

Thirty-second—To abate all nuisances which may injure or affect the public health or comfort, in any manner they may deem expedient.

Thirty-third—To do all acts and make all regulations which may be necessary or expedient for the promotion of health and the suppression of disease.

Thirty-fourth—To compel the owner or occupant of any grocery, cellar, soap or tallow chandler or blacksmith shop, tannery, stable, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove, or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants.

Thirty-fifth—To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, foundries, livery stables and packing houses. To direct the location and regulate the management and construction of, and restrain, abate and prohibit within the city, and to the distance of one mile from the limits thereof, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive, or unwholesome business may be carried on.

Thirty-sixth—To regulate the burial of the dead, to establish and regulate one or more cemeteries, to regulate the registration of births and deaths, to direct the returning and keeping of bills of mortality and to impose penalties on physicians, and sextons, and others, for any default in the premises.

Thirty-seventh—To provide for the taking an enumeration of the inhabitants of the city.

Thirty-eighth—To erect and establish a work-house, or house of correction, make all necessary regulations therefor, and appoint all necessary keepers or assistants. In such work-house or house of correction may be confined all vagrants, stragglers, idle and disor-

derly persons who may be committed thereto by any proper officer, and all persons sentenced by any criminal court or magistrate in and for the city, or for the county of Sangamon, for any assault and battery, petit larceny, or other misdemeanor punishable by imprisonment in any county jail; and any person who shall fail or neglect to pay any fine, penalty, or costs imposed by any ordinance of the city for any misdemeanor, or breach of any ordinance of the city, may instead of being committed to the county jail of Sangamon county, be kept therein subject to labor and confinement.

Thirty-ninth—To authorize and direct the taking up, and providing for the safe keeping and education for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, wandering about the streets, committing mischief, and growing up in mendicancy, ignorance, idleness and vice.

Fortieth—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies, direct and regulate their construction, and cause the expenses thereof to be assessed and collected in the same manner as sidewalk assessments.*

Forty-first—To direct and control the laying and construction of railroad tracks, bridges, turn-outs and switches in the streets and alleys, and the location of depot grounds within the city. To require that railroad tracks, bridges, turn-outs and switches shall be so constructed and laid as to interfere as little as possible with the ordinary travel and use of the streets and alleys; and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons. To require railroad companies to keep in repair the streets through which their track may run, and to construct and keep in repair suitable crossings at the intersections of streets and alleys, and ditches, sewers and culverts, when the city council shall deem necessary. To direct and prohibit the use, and regulate the speed of locomotive engines within the inhabited portions of the city. To prohibit and restrain railroad companies from doing storage or warehouse business or collecting pay for storage.

Forty-second—The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the constitution of the United States, or of this state, for the good government, peace and order of the city, and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government, or any department or officer thereof; to enforce the

* See Post, Art. VIII, Sec. 4.

observance of all such rules, ordinances, and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the county jail, city prison, or work house, or both, in the discretion of the court or magistrate before whom conviction may be had. But no fine or penalty shall exceed five hundred dollars, nor the imprisonment six months for any offense, and such fine or penalty may be recovered, with costs, in an action of debt, in the name or for the use of the city, before any court having jurisdiction, and punishment inflicted; and any person upon whom any fine or penalty is imposed shall stand committed until the payment of the same and costs, and in default thereof may be imprisoned in the county jail, city prison, or work house, or required to labor on the streets or other public works of the city, for such time and in such manner as may be provided by ordinance.*

ARTICLE VI.

OF TAXATION.

SECTION 1. The city council shall have power within the city by ordinance:

First—To levy and collect, annually, taxes not exceeding five mills to the dollar on the assessed value of all real and personal estate and property within the city, and all personal property of the inhabitants thereof, made taxable by the laws of the state for state purposes † to defray the general and contingent expenses of the city, not herein otherwise provided for; which taxes shall constitute the general fund.

Second—To annually levy and collect a school tax not exceeding five mills on the dollar, on all property taxable for state purposes, for purchasing ground for school houses, building and repairing school houses, and supporting and maintaining schools.

Third—To levy and collect taxes, not exceeding five mills to the dollar per annum, on all property subject to taxation, to meet the interest accruing on the debt of the city. And the city council shall pass no ordinance or resolution incurring or creating a debt,

* See Post, Art. XIII, Secs. 14 to 17, inc.

† For property taxable by the laws of the State, see Secs. 1 to 5, inc. of "An act for the Assessment of Property," approved Feb. 12, 1853. Laws of 1853, p. 35, Appendix No. 2.

without at the same time, making provisions for the levying a tax sufficient to meet the payment of the interest accruing thereon when payable.

Fourth—To annually levy and collect taxes on all property subject to taxation when required, for the erection of a city hall, markets, hospital, city prison or work house, the purchase of market grounds, public squares or parks, or any other public improvements: *Provided*, the estimated cost of a city hall, work house or market house, may be apportioned by the city council, and collected by a series of annual assessments. But the cost of market grounds, markets, public squares, or other improvements, may be levied and collected upon all the real estate and other property in the natural division of the city in which they are located. No local improvement under this section shall be ordered in any division, unless a majority of the aldermen thereof shall vote in favor of the same. But no tax or taxes shall be levied in any one year under this section which shall exceed five mills to the dollar on the property assessed for any or all the purposes herein specified. The revenues arising from such market or other improvements shall be applied to the liquidating the costs thereof, and taxes shall be levied and collected to make up the deficiency.

Fifth—To levy and collect, upon all property in such districts as they shall, from time to time create, a tax sufficient to defray one half of the expenses of erecting lamp posts and lamps, and lighting the streets in such district; and the tax thus collected shall be exclusively expended for such purposes in the district paying the same.

Sixth—To require (and it is hereby made the duty of) every male resident of the city over the age of twenty-one years, and under the age of fifty years, to labor three days in each year upon the streets and alleys of the city; but any person may, at his option, pay in lieu thereof two dollars: *Provided*, the same shall be paid within ten days after notification by the supervisor. In default of payment as aforesaid, the sum of three dollars and costs may be collected, and no set-off shall be allowed in any suit brought to collect the same.*

* See Post, Art. XIII, Sec. 3.†

ARTICLE VII.

OF ASSESSMENTS FOR OPENING STREETS AND ALLEYS.

SECTION 1. The city council shall have power to open and lay out public grounds or squares, streets, alleys and highways, and to alter, widen, contract, straighten and discontinue the same. But no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent in writing of all persons owning land or lots adjoining said street, alley or highway. They shall cause all streets, alleys and highways, or public squares or grounds laid out by them, to be surveyed, described and recorded in a book to be kept by the clerk, showing accurately and particularly the proposed improvements, and the real estate required to be taken; and the same when opened and made, shall be public highways and public squares.

SEC. 2. Whenever any street, alley or highway, public ground or square, is proposed to be laid out, opened, altered, widened or straightened, by virtue hereof, and the amount of compensation cannot be agreed upon, the city council shall give notice of their intention to appropriate and take the land necessary for the same, to the owner thereof, by publishing said notice for ten days in the newspaper publishing the ordinances of the city; at the expiration of which time they shall choose by ballot three disinterested freeholders, residing in the city, as commissioners, to ascertain and assess the damages and recompense due the owners of said real estate respectively, and at the same time to determine what persons will be benefitted by such improvement, and assess the damages and expenses thereof on the real estate benefitted thereby, in proportion, as nearly as may be, to the benefits resulting to each. A majority of all the aldermen authorized by law to be elected shall be necessary to a choice of such commissioners.

SEC. 3. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities before entering upon their duties; they shall give at least five days notice to all persons interested, of the time and place of their meeting, for the purpose of viewing the premises and making their assessments; which notice shall be given personally, if the owners are residents and known, or by publication in the newspaper publishing the ordinances of the city, if non-residents or unknown; they shall view the premises, and in their discretion receive any legal evidence, and may, if necessary, adjourn from day to day.

SEC. 4. If there should be any building standing in whole or in part upon the land to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the actual injury to him in having such building taken from him; and secondly, the value of such building to him to remove.

SEC. 5. At least five days notice shall be given to the owner of such determination when known, and a resident of the city, which may be given personally or in writing, left at his usual place of abode. If a non-resident, or unknown, like notice to all persons interested shall be given by publication in the newspaper publishing the ordinances of the city. Such notice shall specify the buildings, and the award of the commissioners, and shall be signed by them. It shall also require the persons interested to appear by a day to be named therein, or give notice of their election to the city council, either to accept the award of the commissioners, and allow such building to be taken with the land condemned or appropriated, or of their intention to receive such building at the value set thereon by the commissioners to remove; if the owner shall agree to remove such building, he shall have such reasonable time for that purpose as the city council may direct.

SEC. 6. If the owner refuses to take the building at its appraised value to remove, or fails to give notice of his intention as aforesaid within the time prescribed, the city council shall have power to direct the sale of such building at public auction, for cash or on a credit, giving five days public notice of the sale. The proceeds of the sale shall be paid to the owner, or deposited to his use.

SEC. 7. The commissioners shall thereupon proceed to make their assessment, and determine and appraise to the owner the value of the real estate appropriated, and the injury arising from the condemnation thereof, which shall be awarded to such owner as damages, after making due allowance therefrom for any benefit which such owner may derive from such improvement. In the estimate of damage to the land, the commissioners shall include the value of the buildings, (if the property of the owner of the land,) as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in that case they shall only include the difference between such value and the whole estimated value of such building.

SEC. 8. If the damage to any person be greater than the benefits received, or if the benefit be greater than the damages, in either case the commissioners shall strike a balance, and carry the

difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively, and the difference only shall, in any case, be collectable of or paid to them.

SEC. 9. If the lands and buildings belong to different persons, or if the land be subject to lease or mortgage, the injury done to such persons respectively, may be awarded to them by the commissioners, less the benefit resulting to them respectively from the improvements.

SEC. 10. Having ascertained the damages and expenses of such improvement as aforesaid, the commissioners shall thereupon apportion and assess the same, together with the costs of the proceedings upon the real estate by them deemed benefitted, in proportion to the benefit resulting from the improvements, as nearly as may be, and shall describe the real estate upon which their assessments may be made; when completed, the commissioners shall sign and return the same to the city council, within thirty days of their assessment.

SEC. 11. The clerk shall give ten days notice by publication in the newspaper publishing the ordinances of the city, that such assessment has been returned, and on a day to be specified therein will be confirmed by the city council, unless objections to the same are made by some person interested. Objections may be heard before the city council, and the hearing may be adjourned from day to day. The council shall have power, in their discretion, to confirm or annul the assessment, or refer the same back to the commissioners; if annulled, all the proceedings shall be void—if confirmed, an order of confirmation shall be entered, directing a warrant to issue for the collection thereof; if referred back to the same or other commissioners, they shall proceed to make their assessment, and return the same in like manner, and give like notices as herein required in relation to the first, and all parties in interest shall have the like notice and rights, and the city council shall perform like duties, and have like powers, in relation to any subsequent determination, as are herein given in relation to the first.

SEC. 12. The city council shall have power to remove commissioners, and, from time to time, appoint others in place of such as may be removed, or refuse, neglect, or are unable from any cause to serve.

SEC. 13. The land required to be taken for the making, opening, widening, straightening or altering any street, alley or other highway, or public ground or square, shall not be appropriated until the damages awarded therefor, to any owner thereof, under this

act, shall be paid or tendered to such owner or his agent; or in case such owner or his agent cannot be found within the city, deposited to his or their credit in some safe place of deposit other than the hands of the treasurer, and then, and not before, such lands may be taken and appropriated for the purpose required in making such improvements, and such streets, alleys or other highways or public grounds may be made and opened.

SEC. 14. When the whole of any lot or parcel of land or other premises, under lease or other contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, shall, upon the confirmation of the report of the commissioners, respectively cease and be absolutely discharged.

SEC. 15. When part only of any lot, parcel of land, or other premises, so under lease or contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts, agreements and engagements respecting the same, upon the confirmation of the report of the commissioners, shall be absolutely discharged, as to that part thereof so taken, but shall remain valid as to the residue thereof; and the rents, consideration and payments reserved, payable and to be paid for or in respect to the same, shall be so proportioned as that the part thereof justly and equitably payable for such residue thereof and no more, shall be paid or recoverable in any respect of the same.

SEC. 16. Any person interested may appeal from any final order of the city council for opening, altering, widening or straightening any street, alley or other highway or public ground, to the circuit court of Sangamon county, by notice in writing to the mayor, at any time before the expiration of twenty days after the passage of said final order. In case of appeal, the city council shall make a return within thirty days after notice thereof, and the court shall, at the next term after return filed in the office of the clerk thereof, hear and determine such appeal, and confirm or annul the proceedings, from which judgment no appeal or writ of error shall lie. Upon the trial of the appeal, all questions involved in said proceedings, including the amount of damages, shall be open to investigation by affidavit or oral testimony adduced to the court; or upon application of the city or any party, the amount of damages may be assessed by a jury in said court, without formal pleadings, and judgment rendered accordingly; and the burden of the proof shall, in all cases, be upon the city to show that the proceedings are in conformity with this act.

SEC. 17. In all cases where there is no agreement to the contrary, the owner or landlord, and not the tenant or occupant, shall be deemed the person who shall and ought to pay and bear every assessment made for the expense of any public improvement. Where any such assessment shall be made upon or paid by any person, when, by agreement or by law, the same ought to be borne or paid by any other person, it shall be lawful for one so paying to sue for and recover of the persons bound to pay the same, the amount so paid, with interest. Nothing herein contained shall, in any way, impair or affect any agreement between landlord and tenant, or other person, respecting the payment of such assessments.

SEC. 18. The city council may, by ordinance, make any changes they may deem advisable in the proceedings herein prescribed, for ascertaining the damages and injury occasioned to any person, or real estate, by reason of the condemnation of such real estate, or any real estate upon which any buildings may be situated, in whole or in part, and the assessment of such damages and injury upon persons or real estate benefitted by the improvement, and in all such other respects as experience may suggest.

SEC. 19. When any known owner, or other person having an interest in any real estate, residing in the city or elsewhere, shall be an infant, and any proceedings shall be had under this act, the judge of the circuit court of Sangamon county, the county judge of said county, or any judge of the supreme court, may, upon the application of the city council, or such infant or his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust, and all notices and summons required by this act shall be served on such guardian.

ARTICLE VIII.

PUBLIC IMPROVEMENTS AND ASSESSMENTS THEREFOR.

SECTION 1. The city council shall have power, from time to time, to cause any street, alley or other highway to be graded, re-graded, levelled, paved or planked, and keep the same in repair, and alter and change the same.

Second—To cause side and cross walks, main drains and sewers, and private drains to be constructed and laid, relaid, cleansed and repaired, and regulate the same.

Third—To grade, improve, protect and ornament any public square, or other public ground, now or hereafter laid out.

Fourth—The city council shall have power to assess and collect of the owners of lots or real estate on any street, or other highway, or any part thereof, in the same manner as other city taxes, or in such manner as may be prescribed by ordinance, for the purpose of grading, paving or planking such street or other highway: *Provided*, that such tax shall not exceed five mills per annum of the value of the property assessed.

SEC. 2. That for the purpose of establishing a system of sewerage and drainage, the city council may have power to cause the city to be laid off into districts, to be drained by principal and lateral or tributary sewers or drains, having reference to a general plan of drainage, by sewers and drains for the whole city, and number and record the same.

SEC. 3. That whenever a majority in number of the owners of real estate within any district shall petition the city council for the construction of such drains or sewers in such district, the city council shall have power to levy and collect a special tax on the real estate within the district so drained, and not to exceed five mills to the dollar, per annum, on the assessed value thereof, for the purpose of constructing such sewers and drains; which tax shall be annually levied and collected as other city taxes by law, and shall constitute a lien on the real estate in the district in which it is assessed; and the city council shall have power to provide for the construction and letting of such sewers and drains, or such parts thereof as they shall deem necessary, and may from time to time extend, enlarge or alter the same, upon such terms and conditions as they shall deem necessary; and the city council shall have power to borrow money for the construction of such sewers and drains, payable in principal and interest from the special tax collected in such districts, or the city council may apportion the estimated cost of such drains and sewers, and collect the same by a series of annual assessments. But no ordinance creating such debt, special tax or apportionment shall be repealed or altered until the debt created thereby shall have been paid.

SEC. 4. All owners or occupants of lots or lands, in front of, adjoining or upon whose premises the city council shall order and direct sidewalks or private drains, communicating with any main drain, to be constructed, graded, repaired, relaid or cleansed, or shall declare any such land or lots to be nuisances, and order the same to be graded, filled up and drained, or otherwise improved, shall make, grade, repair or relay such sidewalk, or make, repair or cleanse such private drain, or grade, fill up, drain or otherwise improve such lot or land at their own cost and charges, within the time and in the manner prescribed by ordinance or otherwise; and

if not done within the time and in the manner prescribed, the city council may cause the same to be constructed, repaired, relayed, cleansed, filled up, graded, drained, or otherwise improved, and assess the expense thereof, by an order to be entered in their proceedings, upon the lots and land respectively, and collect the same by warrant and sale of the premises, as in other cases. A suit may also be maintained against the owner or occupant of such premises, for the recovery of such expenses, as for money paid and laid out to his use at his request.

SEC. 5. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the foregoing section. Such expenses may be likewise collected of the owner or occupant of such premises, in a suit for money expended to his or their use; and in case the same should not be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.

SEC. 6. The city council shall have power to compel the owners of lots or ground, fronting or adjoining any private or public alley, to keep the same clean, and, if necessary, to direct the same to be paved, planked or otherwise, and the costs thereof to be assessed and collected in the same manner as sidewalk assessments.

ARTICLE IX.

COLLECTION OF TAXES AND ASSESSMENTS.

SECTION 1. The city council shall have power by ordinance to prescribe the form of assessment lists, and prescribe the duties and define the powers of assessors. They may also make such rules and give such directions in relation to revising, altering or adding to the lists as they may deem proper and expedient.

SEC. 2. The annual assessment lists shall be returned by the assessor on or before the first Monday in August in each year, but the time may be extended by order of the city council. On the return thereof, the city council shall fix a day for hearing objections thereto, and the clerk shall give notice of the time and place of such hearing, by publication in the newspaper publishing the ordinances of the city; and any person feeling aggrieved by the assessment of his property, may appear at the time specified and

make his objections. The city council shall have power to supply omissions in said assessment lists, and, for the purpose of equalizing the same, to alter, add to, take from, and otherwise correct and revise the same, or to refer the same back to the assessor, with instructions to revise and correct the same.

SEC. 3. When the assessment lists have been corrected and revised, the same shall be filed, and an order confirming the same and directing the warrant to be issued for the collection thereof shall be entered by the clerk. The city council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied, and if not for general purposes, the division of the city upon which the same are laid.

SEC. 4. All taxes and assessments, general or special, levied or assessed by the city council under this act, or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed for two years from and after the corrected assessment lists shall be confirmed, or the passage of the order for assessment, and on personal estate, from and after the delivery of the warrant for the collection thereof until paid, and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes on real or personal estate, and the real estate shall be liable for the taxes on personal estate in case of removal, or when the tax cannot be made out of the personal estate, in the same manner as is prescribed by the laws of the State: * *Provided*, that in case the collection of any assessment shall be delayed by injunction, or other judicial proceedings, the same shall continue a lien, unless set aside, upon the real estate, for the period of two years from and after the final disposition of such injunction or other judicial proceeding.

SEC. 5. The clerk shall issue a warrant or warrants for the taxes, and rule therein separate columns, in which the taxes levied shall be respectively set down opposite the name of the person or such real estate subject thereto. Each column shall be headed with the name of the tax therein set down.

* "Personal property shall be liable for taxes levied on real property, and real property shall be liable for taxes levied on personal property; but the tax on personal property shall not be charged against real property, except in cases of removals, or where said tax cannot be made out of the personal property; but the collector may in all cases sell personal property for taxes due on real property."—An Act regulating the collection of the Revenue, Laws of 1853, page 103.

SEC. 6. All warrants issued for the collection of general or special taxes and assessments shall be signed by the mayor and clerk with the corporate seal thereto attached, and shall contain true and perfect copies of the corrected assessment lists upon which the same may be issued. They shall be delivered to the collector for collection within thirty days after the filing of the corrected lists, unless further time for this purpose shall be given by the city council. If not otherwise paid, the collector shall have power to collect said taxes with interest and costs, by suit in the corporate name, or by distress and sale of personal property as aforesaid, after a demand and refusal to pay the same: *Provided*, a notice published by the collector for ten days in the newspaper printing the ordinances of the city, shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal. The assessor's list shall in all cases be evidence on the part of the city corporation.

SEC. 7. All taxes and assessments, general or special, shall be collected by the collector in the same manner and with the same power and authority as is given by law to collectors of county and State taxes. He shall pay the same as fast as collected into the city treasury, and his duty in regard to returning warrants and settling with the city, and his liabilities in case of default or misconduct shall be the same as prescribed by law: *Provided*, the city council shall have power to prescribe the powers, duties and liabilities of collectors by ordinance.

SEC. 8. In case of the non-payment of any taxes or assessments levied or assessed under this act, the premises may be sold for the payment thereof at any time within two years after the confirmation of the assessment by the city council. Before any such sale an order shall be made by the city council, which shall be entered at large in the journals or record kept by the clerk, directing the collector to sell, particularly describing the delinquent premises to be sold, and the assessment for which the sale shall be made, a certified copy of which order under the corporate seal, signed by the mayor or presiding officer and clerk, shall be delivered to the collector, which, together with the warrant shall constitute the process upon which such sale may be made.

SEC. 9. The collector shall then advertise such premises in the newspaper publishing the ordinances of the city, for sale, at least thirty days from and after the first publication of such notice, describing the premises by figures or otherwise, with the name of the owner (when known,) and the several amounts of the taxes and assessments thereon and costs. Said notice shall also contain the time and place of sale, and shall be published at least four times.

The proceedings may be stopped at any time on the payment of the taxes or assessment and interest, with expenses of advertising.

SEC. 10. All sales shall be conducted in the manner required by law, but the city council shall have power to prescribe the manner of conducting the same.* The sale shall be made for the smallest portion of ground, to be taken from the east side of the premises, for which any person will take the same, and pay the taxes or assessments thereon, with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser, and the other filed in the office of the clerk; which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments, with the interest and expenses for which the same was sold, and the time when the right to redeem will expire. The collector shall be allowed the same fees for selling as are allowed by law for similar services, or his fees may be regulated by ordinance. The clerk shall keep a record of such sales, which shall be open to public inspection at all reasonable times.

SEC. 11. The right of redemption in all cases of sales for taxes or assessments shall exist to the owner, his heirs, creditors or assigns, to the same extent as is allowed by law in cases of sales of real estate for taxes, on the payment in specie of double the amount for which the same was sold, and all taxes accruing subsequent to the sale with interest. If the real estate of any infant, *feme covert*, or lunatic, be sold under this act, the same may be redeemed at any time within one year after such disability is removed. In case of redemption, the money may be paid to the purchaser, or for him to the city clerk, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed according to law, the city council shall, upon the return of the certificate, or proof of its loss, direct a deed to be executed to the purchaser, under the corporate seal, signed by the mayor or presiding officer of the city council, and countersigned by the clerk, conveying to such purchaser the premises so sold and unredeemed as aforesaid. An abstract of all deeds so made and delivered shall be entered by the clerk in the book wherein tax sales are recorded. A fee of one dollar may be charged by the clerk for any deed so issued.

SEC. 12. The assignee of any tax certificate of any premises sold for taxes or assessments under authority of the city, shall be

* Under the powers conferred by the 1st, 7th and 10th sections of this article, the city council has prescribed by ordinance the duties, powers and liabilities of the assessor and collector, and the manner of conducting sales for taxes. See ordinance in relation to taxes, Post, Chap. 32.

entitled to receive a deed of such premises in his own name, and with the same effect as though he had been the original purchaser.

SEC. 13. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land, or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive in the corporate name a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

SEC. 14. All deeds made to purchasers of lots sold for taxes or assessments by order of the city council, shall be *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his heirs or assigns, to the premises thereby conveyed, of the following facts :

First—That the land or lot conveyed was subject to taxation or assessment at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law.

Second—That the taxes or assessments were not paid at any time before the sale.

Third—That the land conveyed had not been redeemed from the sale at the date of the deed : and shall be conclusive evidence of the following facts :

First—That the land or lot was advertised for sale for the length of time and in the manner required by law.

Second—That the land was sold for taxes or assessments, as stated in the deed.

Third—That the grantor in the deed was the purchaser.

Fourth—That the sale was conducted in the manner required by law ; and in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove in order to defeat the said title, either that the land was not subject to taxation at the date of the sale, that the taxes or assessments had been paid, that the said land had never been listed or assessed for taxation or assessment, or that the same had been redeemed according to the provisions of the act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of the State ; but no person shall be permitted to question the title acquired by the said deed, without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, or that the title was obtained from the United States or this State after the sale, and that all taxes due upon the lands have been paid by such persons, or the person under whom he claims title as aforesaid.

ARTICLE X.

FIRE DEPARTMENT.

SECTION 1. The city council for the purpose of guarding against the calamities of fire, shall have power to prohibit the erection, placing, or repairing of wooden buildings within the limits prescribed by them without their permission, and direct and prescribe that all buildings within the limits prescribed shall be made or constructed of fire-proof materials, and to prohibit the rebuilding or repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage. To declare all dilapidated buildings to be nuisances, and to direct the same to be repaired, removed, or abated in such manner as they shall prescribe and direct; to declare all wooden buildings within the fire limits which they may deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and to require and cause the same to be removed or abated in such manner as they shall prescribe.

SEC. 2. The city council shall have power—

First—To regulate the construction of chimneys and flues so as to admit of chimney sweeps or other mode of cleaning, and to compel the sweeping and cleaning of chimneys.

Second—To prevent and prohibit the dangerous construction and condition of chimneys, flues, fire-places, stove-pipes, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition when considered dangerous.

Third—To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into all buildings and enclosures, to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition.

Fourth—To require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use thereof in times of fire, and to require all owners and occupants of buildings to construct and keep in repair wells or cisterns upon their premises.

Fifth—To regulate and prevent the carrying on of manufactories and works dangerous in promoting or causing fires.

Sixth—To regulate, prevent, and prohibit the use of fireworks and fire-arms.

Seventh—To direct and prohibit the management of houses for the storing of gunpowder, and other combustible and dangerous materials within the city; to regulate the keeping and conveying of the same, and the use of candles and other lights in stables and other like houses.

Eighth—To regulate and prescribe the manner, and order the building of parapet and partition walls, and of partition fences.

Ninth—To compel the owners or occupants of houses or other buildings, to have scuttles in the roofs, and stairs or ladders leading to the same.

Tenth—To authorize the mayor, fire wardens, or other officers of said city, to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all officers of the city and all other persons to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and in preventing goods from being stolen.

Eleventh—And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

SEC. 3. The city council may procure fire engines, and all other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure houses and other places for keeping and preserving the same; and shall have power—

First—To organize fire, hook, hose, axe, and ladder companies.

Second—To appoint during their pleasure, a competent number of able and reputable inhabitants of the city firemen, to take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires.

Third—To prescribe the duties of firemen, and to make rules and regulations for their government, and to impose reasonable penalties upon them for a violation of the same, and for incapacity, neglect of duty, or misconduct to remove them.

Fourth—The city council shall have power to appoint a chief and assistant engineers of the fire department, and they with the other firemen shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires, and their powers and duties shall be prescribed and defined by the city council.

SEC. 4. The members of the city council and firemen, shall during their terms of service as such, be exempted from serving on juries, in the militia, or working on the streets, or paying any tax for the same. The name of each fireman shall be registered with the clerk of the city, and the evidence to entitle him to the exemp-

tion provided in this section, shall be the certificate of the clerk under the corporate seal, for the year in which exemption is claimed.

ARTICLE XI.

BOARD OF HEALTH.

SECTION 1. The board of health shall consist of three or more commissioners, to be appointed annually by the city council; and the mayor or presiding officer of the city council shall be president of the board, and the city clerk shall be their clerk and keep minutes of its proceedings.

SEC. 2. It shall be the duty of health officers to visit every sick person who may be reported to them as hereinafter provided, and to report with all convenient speed their opinion of the sickness of such person to the clerk of the board, and to visit and inspect all houses or places in which they may suspect any person to be confined with any pestilential or infectious disease, or to contain unsound provisions, or damaged or putrid animal or vegetable matter, or other unwholesome articles, and to make report of the state of the same with all convenient speed to the clerk of the board.

SEC. 3. All persons in the city not residents thereof, who may be infected with any pestilential or infectious disease, or all things which in the opinion of the board shall be infected by or tainted with pestilential matter, and ought to be removed so as not to endanger the health of the city, shall by order of said board be removed to some proper place not exceeding five miles beyond the limits of the city, to be provided by the board, at the expense of the person to be removed, if able; and the board may order any furniture or wearing apparel to be destroyed whenever they may deem it necessary for the health of the city, by making just compensation.

SEC. 4. The city council shall have power to prescribe the powers and duties of the board of health, and to punish by fine or imprisonment or both, any refusal or neglect to obey the orders and regulations of the board.

SEC. 5. The health officers may be authorized by the city council when the public interests require, to exercise for the time being such of the powers, and perform such of the duties of the marshal or supervisor, as the city council may in their discretion direct, and shall be authorized to enter all houses and other places private or public, at all times, in the discharge of any duty under this act or any ordinance.

SEC. 6. Every person practicing physic in this city, who shall have a patient laboring under any malignant, infectious, or pestilential disease, shall forthwith make report thereof in writing to the clerk of the board, and for neglect to do so shall be considered guilty of a misdemeanor, and liable to a fine of fifty dollars, to be sued for and recovered with costs, in an action of debt, in any court having cognizance thereof, or before a justice of the peace, for the use of the city.

ARTICLE XII.

SCHOOLS AND SCHOOL FUND.

SECTION 1. All that part of township number sixteen north of range number five west of the third principal meridian, lying within the corporate limits of the city of Springfield, with such other parts of said township as may be hereafter incorporated with and come under the jurisdiction of said city, is hereby erected into a common school district, to be known as the *Springfield School District*.

SEC. 2. The school land, school fund, and all other real and personal estate of said township shall be divided between the said city of Springfield, and the portion of the township lying without the limits thereof, in the proportions and manner following: The trustees of schools of said township shall within three months from the passage of this act, appoint two commissioners, who shall be respectable householders, one of whom shall reside in the city, and the other in the township without the city, who after being duly sworn well and truly to perform their duties, shall proceed to ascertain as nearly as may be the whole number of white persons under the age of twenty-one years residing in the whole of said township, and the whole number residing in said city, and without said city in the said township; and thereupon the said trustees shall divide and apportion the aforesaid township fund, and real and personal estate, between said city and said township without the city, in the proportion of and according to the number of persons aforesaid residing within the city and without the city, in the said township respectively; and the said commissioners shall have power to make partition of, and division of all the funds and real and personal estate belonging to the said township, between the city and the township without the city, in the proportions aforesaid, and having completed the same shall make a full return of their proceedings to the trustees aforesaid. In case the commissioners shall refuse or

neglect to perform their duties, the trustees shall appoint others in their stead, who shall be chosen, sworn, and perform the like duties assigned to the first commissioners, and the trustees shall have power to fill vacancies and make appointments until the objects of this act are carried into effect.

SEC. 3. The trustees of schools of said township, shall upon such division partition and return of the commissioners being made, pay over and deliver to the clerk of the city of Springfield the funds and other personal estate, and make, execute, and deliver to the said city of Springfield, all necessary deeds and other conveyances for the distributive share of the real estate of said township, to which the said Springfield school district may be entitled, according to the division and distribution aforesaid, and take receipts for the same from the clerk.

SEC. 4. It shall be the duty of the city council to cause an abstract of the whole number of white children under the age of twenty-one years in the Springfield school district, to be furnished to the school commissioner of Sangamon county within ten days after the same shall have been ascertained, and the school commissioner shall annually pay to the clerk of the city of Springfield the proportion of the school, college, and seminary fund to which the said Springfield school district may be entitled according to the number of persons under the age aforesaid residing in said district, taking his receipt therefor; but no abstract shall be required to be returned to the school commissioner oftener than is required by law in other school districts.*

SEC. 5. The school land, school fund, and other property of the Springfield school district shall be vested in the city of Springfield. The city council shall have power at all times, to do all acts and things in relation to said school lands, school fund, and other property which they may think proper to their safe preservation and efficient management, and sell or lease said lands and all other property which may have been or may hereafter be donated to the school fund, on such terms and at such times as the city council may deem most advantageous, and on such sale or lease to make, execute and deliver all proper conveyances, which said conveyances shall be signed by the mayor or presiding officer, and countersigned by the clerk and sealed with the corporate seal; but the proceeds arising from such sales shall be added to and constitute a part of the school fund.

* For the particular facts and information required in said return, and the time of making the same, see sections 36 and 79, of "An act to establish and maintain a system of Free Schools," approved Feb. 16, 1857. Appendix No. 4.

SEC. 6. Nothing shall be done to impair the principal of said fund, or to appropriate the interest accruing from the same to any other purpose than the payment of teachers in the public schools of the district, and should there be any surplus of interest it shall be carried to and from a part of the school fund.

SEC. 7. The city council shall have power—

First—To erect, hire, or purchase buildings suitable for school houses, and keep the same in repair.

Second—To buy or lease *sites* for school houses, with the necessary grounds:

Third—To furnish schools with the necessary fixtures, furniture, and apparatus.

Fourth—To maintain, support, and establish schools, and supply the inadequacy of the school fund for the payment of city teachers from school taxes.

Fifth—To fix the amount of compensation to be allowed to teachers.

Sixth—To prescribe the school books to be used, and the studies to be taught in the different schools.

Seventh—To lay off and divide the city into smaller school districts, and from time to time to alter the same, or create new ones as circumstances may require.

Eighth—The city council shall be *ex officio* inspectors of schools, but they may appoint seven inspectors to be denominated “A Board of School Inspectors,”—also three trustees of schools in each district,—and to establish and prescribe the powers and duties of each.

Ninth—And generally to have and possess all the rights, powers, and authority necessary for the proper management of schools, and the school lands and funds belonging to the said school district, with power to enact such ordinances as may be necessary to carry their powers and duties into effect.

SEC. 8. The city council shall have power to appoint a school agent, who shall have the custody and management of the money, securities, and property belonging to the school fund of the district, subject to the direction of the city council.

SEC. 9. The school agent, before entering upon his duties, shall give bond in such amount and with such conditions and securities as the city council may require. His compensation shall not be paid out of the school fund, and he shall be subject for misconduct in office to the same penalties and imprisonment as school commissioners are or may be subject to by law.*

SEC. 10. The school fund shall be kept loaned at interest at the rate of ten per cent. per annum, payable semi-annually in advance.

* See Sec. 73 of State School Law, approved Feb. 16, 1857.

No loan shall be made for a longer period than five years, and all loans exceeding one hundred dollars shall be secured by unincumbered real estate of double the value, at the least, of the sum loaned, exclusive of the value of the perishable improvements thereon; for sums less than one hundred dollars, two good securities besides the principal shall be required: *Provided*, the city council shall have power to reduce the rate of interest by a vote of two-thirds of all the aldermen elected.

SEC. 11. All notes and securities shall be taken to the city of Springfield, for the use of the inhabitants of said city for school purposes; and in that name all suits, actions, and every description of legal proceedings may be had.

SEC. 12. All expenses of preparing or recording securities shall be paid exclusively by the borrower.

SEC. 13. In the payment of debts of deceased persons, those due the school fund shall be paid in preference to all others, except expenses attending the last illness and funeral of the deceased, not including the physician's bill.

SEC. 14. If default be made in the payment of interest, or of the principal when due, interest at the rate of fifteen per cent. upon the same shall be charged from the default, and may be recovered by suit or otherwise. Suit may be brought for the recovery of interest only, when the principal is not due.

SEC. 15. All judgments recovered for interest or principal, or both, shall respectively bear interest at the rate of ten per cent. per annum, from the rendition of judgment until paid; and in case of the sale of real estate thereon, the city of Springfield may become the purchaser thereof, for the use of the school fund, and shall be entitled to the same rights given by law to other purchasers. On redemption, ten per cent. interest shall be paid from the time of sale.

SEC. 16. No costs made in the course of any judicial proceeding in which the city of Springfield, for the use of the school fund, may be a party, shall be chargeable to the school fund.

SEC. 17. If the security of any loan, should at any time before the same is due, become in the judgment of the school agent and city council insecure, the agent shall notify the person indebted thereof, and unless further satisfactory security shall be forthwith given by the debtor, judgment may be recovered thereon as in other cases, although no conditions to that effect be inserted in the note or other security.

SEC. 18. The council shall annually publish, at such times as may be prescribed by ordinance, in the newspaper publishing the ordinances of the city, a statement of the number of pupils in-

structed in the year preceding, the several branches of education pursued by them, and the receipts and expenditures of each school, specifying the sources of such receipts, and the object of such expenditures.

SEC. 19. The school tax shall be paid into the city treasury, and be kept a separate fund for the building of school houses, and keeping the same in repair, and supporting and maintaining schools; and should there at any time be a surplus, the same may be paid over to the school fund and form a part of the same.

SEC. 20. Any person owning land, or residing around, or adjacent to said city, within two miles thereof, may, with his consent, be annexed to said Springfield school district, and school tax may be levied and collected upon the lands and property of such person subject to taxation, by the city collector, in the same manner as school taxes within the said district.

ARTICLE XIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. The city council shall at least ten days before the annual election in each year, cause to be published in the newspaper publishing the ordinances of the city, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the former are derived, and the mode of disbursement, and also a distinct statement of the whole amount assessed, received, and expended in the respective wards and divisions for making and repairing streets, highways, and bridges for the same period, together with such information as may be necessary to a full understanding of the financial concerns of the city.

SEC. 2. The inhabitants of the city of Springfield are hereby exempted from working upon any road or highway beyond the limits of the city, and from paying the tax in lieu thereof without said limits.

SEC. 3. *The supervisor shall demand the services of all persons who are required to labor on the streets and alleys of the city, at such time and place, and in such manner as the city council may direct, or the supervisor shall deem necessary. He shall deliver,

* Sec Anto. Art. VI, Sec. 1, Clause 6.

or cause to be delivered or left at the usual place of abode or business of any person so required to labor as aforesaid, a written or printed notice, or partly written or printed notice, in such form as the city council shall prescribe, which notice shall be given at least five days previous to the first day on which he or they are required to labor, requiring such person to appear at such time and place as may be designated, for the purpose of laboring upon the streets and alleys. But a similar notice, published for ten days in the newspaper publishing the ordinances of the city, by the supervisor, or posted up in three of the public places of the ward or district, shall be deemed a sufficient notice to require all persons to appear and labor as aforesaid. Upon the neglect of any person to appear and labor as aforesaid, or to pay the tax in lieu thereof, the collector shall collect from each person, in the same manner as other taxes, the sum of *three dollars*, with his commission for collecting the same added thereto, or the same may be recovered by suit with costs, as in other cases.

SEC. 4. The county of Sangamon shall be exempt from the support of any citizen of said city who may become a pauper, but the city council shall provide for the support and care of all paupers belonging to the said city, and pass such ordinances and regulations as they shall deem proper for the purposes thereof. The city council shall also provide for the payment of all costs in the circuit court of Sangamon county, of the conviction of any citizen of said city for any criminal offense, and the prosecuting attorney's fees, and jailor's fees, in case the same cannot be collected from the offender. Or the city council may provide for the payment to the county of Sangamon annually, of such sum as will be a fair proportion of the expenses of the county, for the circuit court of said county—the amount to be ascertained and fixed by the city council and the county court of said county, and to be apportioned equitably and justly. In lieu of the support of paupers, and the payment of the expenses and costs aforesaid, the personal property of the inhabitants of said city shall be exempt from all tax for county purposes.*

SEC. 5. All fines, forfeitures, and penalties collected for offenses committed within said city, shall be paid into the treasury of said city by the officers collecting the same, and all fines and forfeitures collected of any citizen of said city for any conviction in the circuit court, shall be paid over in like manner.†

* Amended—See Secs. 6 and 7 of act of Feb. 14, 1855, Post. No. 2. The above Sec. 4, and also Secs. 6 and 7, of act of Feb. 14, 1855, are repealed by Sec. 1 of act of Feb. 16, 1857, Post. No. 3.

† Amended—See Sec. 82 of the School Law of the State, approved Feb. 16, 1857, where

SEC. 6. The water course known as the Town Branch in said city, or any natural branch leading thereinto, shall not be filled up, altered, or changed, except in the manner prescribed by the city council; and the city council shall have power to establish, and direct and prescribe the manner of altering, changing, and straightening, and to wall, fill up, culvert or sewer the same.

SEC. 7. The city council shall have power to cause the blocks and lots of the city to be surveyed, platted, and numbered in consecutive numbers from one upwards, and to designate and number all fractional or other lots or blocks in such manner as they may prescribe by ordinance; and such plat, designation and numbers, when made and duly recorded, shall be a good and valid description of said blocks and lots, or fractional blocks and lots; to establish, mark, and declare the boundaries and names of streets and alleys; to require that all additions hereafter made to said city, or all lands adjoining or within the same, laid out into blocks or lots, shall be so laid out and platted as to correspond and conform to the regular blocks, streets and alleys already laid out and established within the city.

SEC. 8. The city council shall in all expenditures for purposes strictly local, expend annually in the several natural divisions of the city, such proportion as near as may be of the whole expenditures for like purposes, during the same period, as will correspond to the several sums contributed by each division to the general fund. Street taxes shall be expended in the several wards or districts where the persons paying the same may respectively reside.

SEC. 9. The supervisor, in addition to the penalties prescribed by ordinance, shall for wilful neglect of duty, be liable to indictment and fine, in the same manner as supervisors under the laws of the state.*

SEC. 10. Neither the city council or mayor shall remit any fine or penalty imposed upon any person for a violation of any laws or ordinances of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission; nor shall any thing in this act be so construed as to oust

it is provided that "all fines, penalties and forfeitures imposed or incurred in any of the circuit courts of this state, or collected by justices of the peace or other county officers, except fines collected in incorporated towns or cities for the violation of the by-laws or ordinances of said towns or cities, shall be paid to the school commissioner of the county where such fines, penalties and forfeitures have been collected, and the same shall be distributed by said commissioner in the same manner as the common school funds of the state are distributed."

*See Sec. 40, chap. 93, Rev. Stat., 1845. Also Ante Art. IV, sec 16.

any court of jurisdiction to abate and remove nuisances within its jurisdiction, by indictment or otherwise.

SEC. 11. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, and the aldermen be so notified, and unless at such special meeting there be present as large a number of aldermen as was present when the vote was taken.

SEC. 12. The cemetery lots which may be laid out and sold by the city or private persons, for private places of burial, shall with the appurtenances, forever be exempt from execution and attachment.

SEC. 13. Every ordinance, regulation, and by-law imposing any penalty, fine, imprisonment, or forfeiture for a violation of its provisions, shall after the passage thereof, be published three days in the newspaper publishing the ordinances of the city, and proof of such publication by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation, or by-law in all courts and places.

SEC. 14. All actions brought to recover any penalty or forfeiture incurred under this act, or any ordinance, by-law, or police regulation made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare generally *in debt*, for such penalty, fine, or forfeiture, stating the clause of this act, or the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

SEC. 15. In all prosecutions for any violation of any ordinance, by-law, or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant as in other cases.*

SEC. 16. The city council shall have power to designate one or more justices of the peace in said city, who shall have jurisdiction in any actions for the recovery of any fine, penalty, or forfeiture under this act, or any ordinance, by-law, or police regulation, any thing in the laws of this state to the contrary notwithstanding. Such justice shall have power to impose fines and penalties, not exceeding the amount authorized by the constitution of the state. There shall be such local court of civil and criminal jurisdiction as may be established by the general assembly in the cities of the state, in accordance with the constitution of the state. Such court shall have jurisdiction over all cases arising under this act, or any

*See Sec's. 22 and 95 of Chap. 59, Rev. Stat. 1845.

ordinance of said city in pursuance thereof, and such other civil and criminal jurisdiction as may be provided by law.*

SEC. 17. †Execution may be issued immediately on rendition of judgment. If the defendant has no goods or chattels, or real estate, within the county of Sangamon, whereof the judgment can be collected, the execution shall require the defendant to be confined in the county jail, or work-house, or city prison, for a term not exceeding *six months* in the discretion of the court rendering judgment; and all persons who may be committed under this section, shall be confined one day for *each one dollar* of such judgment and costs. All expenses incurred in any prosecution for the recovery of any fine, penalty or forfeiture when collected, shall be paid into the city treasury.

SEC. 18. Any person who shall injure or destroy any bridge, or any public building or other property belonging to the city, or shall cause or procure the same to be injured or destroyed, shall be subject to a penalty not exceeding five hundred dollars for such offence, to be recovered by the city in an action of debt, and may be imprisoned not exceeding six months, in the discretion of the court before whom such conviction may be had, and such person shall also be liable in a civil action at the suit of the city, for the damages occasioned by such injury or destruction.

SEC. 19. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Springfield, in any action or proceeding in which said city may be a party in interest.

SEC. 20. All ordinances, regulations, and resolutions now in force in the city of Springfield, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the city council after this act shall take effect.

SEC. 21. All rights, actions, fines penalties, and forfeitures, in suit or otherwise, which have accrued under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

SEC. 22. All property, real, personal or mixed, belonging to the city of Springfield, is hereby vested in the corporation created by this act, and the officers of said corporation now in office shall respectively continue in the same, until superseded in conformity to

* By "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27, 1854, Police Magistrates' Courts are established, having jurisdiction over all cases arising under the ordinances of cities, when the amount claimed does not exceed \$100. See Act Appendix, No. 3.

† See Ante Art. V. sec. 4, c. 42,

the provisions hereof, but shall be governed by this act, which shall take effect from and after its passage.

SEC. 23. All ordinances of the city, when printed and published by authority of the city council, shall be received in all courts and places without further proof.

SEC. 24. The style of all ordinances shall be, "*Be it ordained by the City Council of the City of Springfield.*"

SEC. 25. Any tract of land adjoining said city which may be laid off into blocks or lots, and duly platted according to law, and any tract of land adjoining the city, with the consent of the owner thereof, shall and may be annexed to said city and form a part thereof.

SEC. 26. This act shall not invalidate any legal act done by the city council of the city of Springfield, or by its officers, nor divest their successors under this act, of any rights of property or otherwise, or liability, which may have accrued to or been created by said corporation prior to the passage of this act.

SEC. 27. * All officers of the city created conservators of the peace by this act or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and if necessary, detain such persons in custody over night or the Sabbath, in the watch house or other safe place, or until they can be brought before a magistrate, and shall have and exercise such other powers as conservators of the peace as the city council may prescribe.

SEC. 28. Nothing in this act contained shall be so construed as to deprive the city council of said city of any powers or authority conferred upon the same by the act incorporating said city, and the various acts amendatory thereto; but the city council shall possess and enjoy all the powers and authority heretofore conferred upon the same, except so far as such powers and authority are expressly modified or repealed by this act, or the acts heretofore mentioned.

SEC. 29. There shall be a digest of the ordinances of the city which are of a general nature, published within one year after the passage of this act, and a like digest within every period of five years thereafter.

SEC. 30. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places, and shall take effect from and after its passage.

* See Ante. Art. IV, Sec. 2.

AMENDMENTS TO THE CITY CHARTER.

No. II.

AN ACT to amend the Charter of the city of Springfield. Approved February 14th, 1855.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That in addition to all the territory now contained within the limits of the city of Springfield, there shall be added to said city and embraced within its limits and subject to its ordinances and jurisdiction, all the additional territory embraced within the following boundary, to wit: Beginning at a point on the section line between section twenty-six and twenty-seven, from which a line extended westwardly, will run eighty feet north of the lot owned by the Illinois State University; thence westwardly until a straight line intersects the east line of Herndon & Edwards' addition at a point four hundred feet north of the north line of Mason's addition; thence around the line of Herndon & Edwards' addition to the south-west corner thereof; thence due south to the line of Erastus Wright's land; thence due west along his line to a point from which a line drawn due south will run two hundred feet west of the west part of Erastus Wright's dwelling house; thence along said line to the centre of the road running from Springfield to Beardstown by the fair grounds; thence with the said road to a point opposite the west line of Hutchinson's cemetery lot; thence to and with the said west line of said cemetery lot, and extending the same in a straight line to the centre of the Jacksonville road; thence along the centre of the Jacksonville road to the present city lines; thence along the present city line to the south-east corner of E. Iles' second addition of out-lots; thence a straight line to the south-west corner of Barrett's addition; thence along the present city limits to the section corner between sections twenty-six and twenty-seven; thence northwardly with the section line to the beginning.

SEC. 2. All the ordinances of the city council of the city of Springfield to restrain and prohibit the sale or keeping for sale of spirituous, vinous, fermented or malt liquors, or of ale, lager beer,

cider, or any intoxicating drink, or imposing any penalties or forfeiture therefor, shall extend to and be in full force in all the territory lying within three miles of the limits of the city of Springfield, as fixed by this act, and the city marshal and police magistrates of the city of Springfield, shall have jurisdiction in all such cases within said three miles from the city limits, in the same manner as if the offence occurred within the city of Springfield.

SEC. 3. So much of any law as authorizes a change of venue from one police magistrate to another, in such cases, shall within the city of Springfield be repealed and be of no force or effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

SEC. 5. The police justices in said city may direct all processes issued by them to the sheriff, or any constable of Sangamon county, or to the city marshal.

SEC. 6. The real estate in the city of Springfield shall hereafter be exempt from taxes for county purposes.

SEC. 7. The city council of the city of Springfield shall annually pay into the county treasury of Sangamon county, the sum of eight hundred dollars towards the expenses of said county.

No. III.

AN ACT to repeal the sixth and seventh sections of an act entitled "An act to amend the charter of the city of Springfield," approved, February 14, 1855, and also section four (4) of article thirteen (13) of an act entitled "An act to reduce the act incorporating the City of Springfield, and the several acts amendatory thereof, into one act, and to amend the same," approved March 2d, A. D., 1854. Approved February 16th, 1857.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section six and seven of an act entitled "An act to amend the charter of the city of Springfield," approved February 14, A. D., 1855; and section four (4) of article thirteen (13) of an act entitled "An act to reduce the act incorporating the city of Springfield; and the several acts amendatory thereof into one act, and to amend the same," approved March 2d, A. D., 1854, be and the same are hereby repealed: *Provided,* That the repeal of said sections shall not exempt the city of Springfield from the payment of the amount now due to the county of Sangamon, as provided in the seventh section of said

first amended act, but the same, or so much thereof as remains unpaid, shall be made in the same manner as if said section had not been repealed.

SEC. 2. The county court of Sangamon county, may appropriate a reasonable share of the public revenue collected for county purposes for the improvement of Roads and Bridges in the city of Springfield, and leading to said city.

SEC. 3. This act to take effect and be in force from and after its passage.

No. IV.

AN ACT to amend an act entitled "An act to amend the charter of the City of Springfield," approved February 24, A. D., 1855; and to amend certain sections of the said charter of the said city of Springfield. Approved February 18th, 1857.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That an act entitled "An act to amend the charter of the city of Springfield," approved February 14th, A. D., 1845, be and the same is hereby amended that in addition to all the territory now contained within the limits of the city of Springfield, there shall be added to the said city, and embraced within its limits and subject to its ordinances and jurisdiction all the additional territory embraced within the following boundaries, to wit: Beginning on the township line at the section corner between sections thirty-four (34) and thirty-five (35); from thence pursuing township line westwardly to the south-east corner of the south-west quarter of the south-west quarter of section thirty-three (33); thence north parallel to section line to the south-east corner of north-west quarter of the north-west quarter of section twenty-eight (28); thence east, and parallel to section line to the south-east corner of the north-west quarter of the north-west quarter of section twenty-six (26); thence south parallel to section line to the township line, and south-east corner of the west half of the south-west quarter of section thirty-five (35); thence west to the place of beginning.*

SEC. 2. So much of section two and four of article second of the charter of Springfield, approved March 2d, A. D., 1854, as fixes the time for the appointment of officers by the city council of the city of Springfield, shall be, and the same is hereby changed so as to require the same to be made on the second Monday of April in each year, or as soon thereafter as may be.

SEC. 3. So much of section second of article five, of the charter of the city of Springfield, approved March 2d, A. D., 1854, as pro-

hibits the members of the city council from receiving any compensations for their services, shall be, and the same is hereby amended, so as to allow the members of the city council such compensation for their services as the city council may direct; *Provided*, That no member of the city council shall receive more than two dollars for each regular monthly meeting of the city council, and not more than one dollar for every called or special meeting of the same; and if any member shall be absent from any meeting at the city council, he shall not receive pay for that meeting.

SEC. 4. So much of section four (4) of article five of the charter of the city of Springfield, approved March 2d, A. D., 1854, as requires the bonds of said city to be issued or negotiated at not less than par value, shall be, and the same is hereby amended so as to allow the bonds of said city to be issued or negotiated at less than par value: *Provided*, said bonds shall not be issued or negotiated at more than ten per cent. below par value; and when so issued or negotiated, the interest on the same shall not exceed eight per cent. per annum.

SEC. 5. This act shall take effect and be in force from and after its passage.

RULES AND ORDER OF BUSINESS

OF THE CITY COUNCIL OF THE CITY OF SPRINGFIELD.

I. The mayor shall take the chair at the hour appointed for the council to meet, and immediately call the members to order, and shall order the roll to be called in alphabetical order, and, at the instance of any two members present, compel the attendance of absent members.

II. A majority of the members elect shall constitute a quorum for the transaction of business.

III. Order of business.

First—The reading of the minutes of the preceding meeting, unless dispensed with, and their amendment or correction.

Second—Presentation of petitions, (which shall always be in writing) claims, and reports of officers.

Third—Reports of standing committees.

Fourth—Reports of special committees.

Fifth—Communications to the council.

Sixth—Unfinished business of the preceding meeting.

Seventh—New business.

IV. All questions as to the priority of business, shall be decided without debate.

V. The mayor shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the council.

VI. While a question is being put, no member shall walk across or out of the council room.

VII. When two or more members address the mayor, he shall decide who is first to speak.

VIII. No member shall speak more than twice upon the same question, nor more than once upon the "previous question," without leave of the council; nor more than once, in any case, until every member choosing to speak shall have spoken.

IX. While a member is speaking, no member shall entertain any private discourse, or pass between him and the mayor.

X. Every member, previous to his speaking, shall rise and address "Mr. Mayor," but shall not proceed until recognized and named by the mayor.

XI. No personalities or reflections injurious to the feelings of any member, or the harmony of the council, shall be tolerated, and every person indulging in such personalities shall be called to order by the mayor.

XII. A member called to order shall immediately sit down, unless permitted by the council to explain. If he appeals, the council shall decide the point without debate; if no appeal is taken, the decision of the mayor shall be conclusive.

XIII. When a question is stated, every member present shall vote, unless excused by the council, or unless directly interested in the question, in which case he shall not vote.

XIV. No motion shall be entertained unless seconded; when seconded, it shall be stated by the mayor, and, if any member requires it, reduced to writing.

XV. When a motion or resolution has been stated by the mayor, it shall be deemed to be in possession of the council, but may be withdrawn at any time before a decision or amendment.

XVI. If a question under consideration contains more than one distinct proposition, it may be divided upon the request of any member.

XVII. When a blank is to be filled, and different sums or times proposed, the question shall first be put upon the largest sum or longest time.

XVIII. When a question is under debate, no motion shall be received, unless for the "previous question," to postpone indefinitely, to adjourn to a certain day, to lay on the table, to amend, or to adjourn the council.

XIX. A motion for the "previous question," to lay the "question" on the table, or to commit it until decided, shall preclude all amendment or debate of the main question: and a motion to postpone a question indefinitely, or to adjourn it to a certain day, shall, until it is decided, preclude all amendment to the main question.

XX. The "previous question" shall be put as follows: "Shall the main question be now put?"

XXI. A motion to adjourn shall always be in order, and decided without debate.

XXII. In all cases, the name of a member offering a resolution or motion, shall be entered with it upon the journal.

XXIII. The yeas and nays shall be taken upon the passage of every ordinance, and entered on the journal; and if any member re-

quire it, upon any question before the council, but shall not be taken unless called for previous to the taking of the vote.

XXIV. No ordinance shall be repealed or passed, or contract or appropriation of money made, unless by the vote of a majority of the members elected.

XXV. All committees shall be appointed by the mayor, unless otherwise directed by the council; in which case they shall be appointed by ballot.

XXVI. Committees to whom any subject may be referred, shall report in writing, addressed to the "City Council of the city of Springfield."

XXVII. The city clerk shall forward all papers to the appropriate committees and officers as early as the next day after the reference shall be made, by the city marshal, who shall deliver them.

XXVIII. The standing committees of the council shall be as follows: On *streets, alleys, public buildings and grounds*, to be composed of a member from each ward, with the mayor as chairman; on *schools*, similarly constituted; on *claims*, of three members; on *fire and water*, of three members; on *police*, of three members; on *ordinances*, of three members; on *finance*, of three members; on *gas lights and markets*, of three members. Such committees shall be appointed by the mayor, annually, on entering upon the duties of his office. The first named of each committee, except the committee on schools and the committee on streets, alleys, public buildings and grounds, shall be chairman.

XXIX. No petition for the remission of a fine under any ordinance of the city shall be considered after reception, without a vote of two-thirds of the council, or without said petition is signed by the police magistrate, or the jury imposing the fine, or the prosecuting attorney.

XXX. Every proposition involving the expenditure of money shall be referred to an appropriate standing committee, and a report thereon made to the council by said committee before the council vote upon the expenditure.

XXXI. Every ordinance presented to the council, not having been drawn by the ordinance committee, shall be referred to said committee, and a written report made by said committee to the council, before a vote on its passage shall be taken.

XXXII. The regular stated meetings of the city council shall be held at the council rooms on the first Monday of each month, at 7 o'clock, P. M., and adjourned meetings may be held for the purpose of completing the unfinished business of the regular meetings at such time as may be appointed by the city council. A meeting shall be held on the last Monday of March in each year, for the purpose

of making settlements of the accounts of city officers for the preceding fiscal year.

XXXIII. Special meetings may be called and held, by notification to each member of the council, served personally, or left at his usual place of abode, stating the object and purpose of such meeting; and no business shall be transacted at such special meeting, except such as the meeting was called for and notification given thereof.

XXXIV. The city marshal, or some person appointed by him, at his own cost, shall attend all meetings of the council, and execute all their orders, and shall keep the council room in order, and prepare the same for the meetings of the council, and extinguish the lights and fires, and close the same upon adjournment. He shall, when required by the mayor or any two aldermen, deliver notices of any special meeting to each member of the council, or leave the same at his usual residence.

XXXV. The foregoing rules, nor any of them, shall not be repealed, or annulled, amended, abridged, modified or suspended, except by vote of nine members of the council.

PART SECOND.

REVISED ORDINANCES

OF THE

CITY OF SPRINGFIELD.

REVISED ORDINANCES.

An Ordinance in relation to the Revised Ordinances of the city.

SECTION 1. *Be it ordained by the City Council of the City of Springfield,* That the following shall constitute and be denominated the “Revised Ordinances of the city of Springfield,” and shall be published in book form, properly arranged and divided into chapters, divisions and sections or clauses, with a table of contents and properly indexed ; and when so published, with the certificate of the mayor and city clerk under the corporate seal of the authenticity of the same, shall be in force, and shall be received in all courts and places without further proof.

All public or general ordinances, or parts thereof, not included herein, shall be repealed so far as they may conflict with the provisions hereof: but no fine, forfeiture, penalty, right, action, suit, debt or other liability whatsoever, created, instituted, incurred, or accrued by or under the same, shall be released, discharged, annulled, repealed, or in any wise affected, but may be prosecuted, recovered, or enjoyed, or any suit or other proceeding be commenced or completed thereon, as fully and in the same manner in all respects as if such ordinance or part thereof had remained in full force.

PASSED September 17, 1857.

CHAPTER I.

ACCOUNTS.

An ordinance in relation to Accounts.

SECTION 1. No account or claim against the city of Springfield, except for the salaries of city officers, or for the payment of a special contract made by the city council, or by some officer of the city authorized by the city council or by ordinance to make the same; or for the payment of the fee bills of officers of courts, shall be considered, audited, or allowed, or any warrant issued for the payment thereof, unless the person presenting the same, or some other credible person for him, shall make oath before the mayor or city clerk, upon the presentation or filing of such claim or account, "that it is true, just, correct, and reasonable:" and no claim or account against the city, upon any contract made or incurred by any officer by authority of the city council, or of any ordinance, shall be considered, audited, or allowed, or any warrant issued for the payment thereof, unless accompanied with the certificate of the officer by whom or under whose authority the same was incurred or contracted, stating "that he has examined such account or claim, and verily believes that it is true, just, correct and reasonable, and in accordance with the contract."

PASSED May 14, 1856.

CHAPTER II.

ADDITIONS.

An ordinance in relation to Additions.

SECTION 1. Any addition which may be made to the city, or any lands adjoining or within the same which may be laid out into lots or blocks, shall be so laid out, surveyed, and platted, as that the blocks or other sub-divisions shall conform to the regular blocks of the original town plat, or with the regular blocks of the addition

adjoining such lands or addition proposed to be laid out, and the streets and alleys shall correspond with, and conform to the previously established streets and alleys with which they may connect, and continue the same.

SEC. 2. Any surveyor or other person, who shall survey or plat any addition to the city, or any lands adjoining or within the same into blocks or other sub-divisions, with the streets, alleys, or blocks laid out contrary to the preceding section, or any owner of any such lands, or addition, or agent of such owner causing the same to be done, shall be subject to a penalty of not less than one hundred dollars, and such owner or his agent shall be subject to an additional penalty of not less than fifty dollars for each lot sold by him.

SEC. 3. When any person may wish to lay out or plat any addition of lands adjoining or within the city in any other manner than is herein prescribed, he may apply to the city council, designating the manner in which he proposes to lay out and plat such addition or lands, and upon the approval thereof by the city council, such lands or addition may be so laid out and platted, and shall not be deemed a violation hereof.

PASSED June 17, 1856.

CHAPTER III.

APPROPRIATIONS.

An Ordinance in relation to Appropriations.

SECTION 1. The city council shall as soon as is practicable after the commencement of each fiscal year, and before the first Monday of August annually, pass an ordinance making appropriations for the general and contingent expenses of the city government during the ensuing fiscal year, and for the payment of the debt of the city and the interest thereon falling due during the year. The appropriations for street improvements and other local purposes in each of the wards of the city, shall be proportioned among the several wards according as near as may be to the

amount of taxes collected in such ward for general purposes. But the total appropriations made by the city council during any fiscal year, shall not exceed the whole amount of the ordinary revenue of the city for the year immediately preceding.

SEC. 2. No contract shall be entered into, or public work ordered by the city council, requiring an appropriation of money for the payment or completion thereof, or any appropriation of money be made for any purpose, unless a majority of all the members elected, upon the call of the "yeas" and "nays," shall vote for the same.

SEC 3. When any appropriation to any specific fund shall be exhausted, the city clerk shall without delay notify the city council thereof, and he shall not thereafter draw any warrant against such fund until the further orders of the city council; nor shall the city council thereafter make any further appropriation payable out of such fund.

PASSED May 14, 1856.

CHAPTER IV.

AWNINGS.

An Ordinance in relation to Awnings.

SECTION 1. All awnings over any sidewalk in the city, shall be securely constructed, and shall be elevated at least eight feet at the lowest part above the sidewalk, and shall not project over the sidewalk to exceed three fourths of the width thereof; they shall be securely supported by iron brackets, or by an iron frame work firmly attached to the building, so as to leave the sidewalk wholly unobstructed; any awning already erected in a different manner than is herein prescribed, shall not be repaired under a penalty of not less than ten dollars; and the mayor, or the city council, may order and require such awning to be removed, or to be made to conform to the requirements hereof, upon ten days' notice being given thereof, by the marshal or supervisor.

SEC. 2. Whoever shall erect or cause to be erected any awning, contrary to the requirements hereof, or shall suffer or permit any awning in front of any premises owned or occupied by him to be in such condition as to be insecure, or dangerous to the safety of persons passing under the same, shall be subject to a penalty of not less than five dollars.

SEC 3. Whoever shall not remove any awning or awning posts already erected contrary to the requirements hereof, or shall not make any such awning to conform to the requirements hereof, within ten days after notice by the marshal or supervisor, in pursuance of the order of the mayor or of the city council, shall be subject to a penalty of not less than five dollars, and to an additional penalty of not less than one dollar, for each day such awning shall remain after the expiration of such notice.

SEC. 4. Any awning which may be constructed contrary to the provisions hereof, or which shall not be removed or be made to conform to the requirements hereof after ten days' notice as herein required, or which shall be in such a condition as to be insecure, or dangerous to the safety of persons passing under the same, is hereby declared a nuisance ; and the supervisor, marshal, or any police constable, shall remove or cause the same to be removed, and the costs of such removal may be collected of the owner of such awning, or person using the same, or causing it to be erected, and recovered by suit in the name of the city before any court having jurisdiction.

PASSED May 14, 1856.

CHAPTER V.

BRICKYARDS.

An Ordinance in relation to Brickyards.

SECTION 1. Any brickyard or brick kiln which may be established within the city, or any enlargement of any brickyard, or clay pit belonging thereto, already established within the city, beyond

the ground at present owned by the owner thereof, or beyond the line of any street or alley, is hereby declared a nuisance.

SEC. 2. No brickyard, or clay pit belonging to any brickyard, shall hereafter be established within the city, nor shall any brickyard, or clay pit belonging thereto, already established within the city, be enlarged beyond the ground at present owned by the owner thereof, or beyond the line of any street or alley, under a penalty of not less than five dollars for each day the same may be continued.

SEC. 3. Any owner or occupant of any brickyard, or clay pit within the city, who shall after using the same and digging the clay thereout, leave and abandon the same in such a condition as to be, or be likely to become a nuisance from water standing and becoming stagnant thereon, shall be subject to a penalty of not less than fifty dollars, and to a like penalty for each month the same shall remain in such condition.

PASSED May 14, 1856.

CHAPTER VI.

BURYING GROUNDS.

An Ordinance in relation to Burying Grounds.

SECTION 1. Any cemetery or burying ground which may be established within the city or within one half mile thereof, or any extension or enlargement of any cemetery or burying ground already established, is hereby declared a nuisance.

SEC. 2. No cemetery or burying ground shall hereafter be established within the city, or within one half mile thereof; nor shall any cemetery or burying ground already established within the city be enlarged under a penalty of not less than ten dollars for each body which may be interred in such cemetery or burying ground, or extension thereof.

SEC. 3. The burying ground known as the "OLD CITY GRAVE YARD" shall be kept well inclosed, and the mayor shall

cause the fences and grounds to be kept in good order and repair ; and hereafter no interment shall be made therein under a penalty of not less than twenty-five dollars in each case.

PASSED May 14, 1856.

CHAPTER VII.

OAKRIDGE CEMETERY.

An Ordinance establishing the Oakridge Cemetery.

DIVISION I.—OAKRIDGE CEMETERY.

SECTION 1. Lot numbered five, containing eleven and three sevenths acres, lot numbered six, containing eleven and three sevenths acres, and the south half of lot numbered four, containing five and five sevenths acres, of the sub-division of the east half of the northeast quarter of section number twenty-one, in township number sixteen north of range number five west of the third principal meridian, and containing in all twenty-eight and four sevenths acres, is hereby set apart for the burial of the dead, and shall be known as the OAKRIDGE CEMETERY.

SEC. 2. The city engineer and surveyor shall, under the direction of the committee on public grounds, survey and subdivide the cemetery grounds into such divisions, blocks, or squares, and lots, designated and numbered in such manner as may be deemed most expedient, and shall report a plat thereof to the city council ; and such plat when approved by the city council, shall be filed for record in the recorder's office of Sangamon county, and a copy thereof kept in the office of the city clerk.

SEC. 3. The committee on public grounds shall set apart a portion of the cemetery grounds for the burial of the poor, another portion for the burial of strangers or persons not belonging to the city, another portion for the burial of the inhabitants of the city not having private lots, and another portion for the burial of colored persons.

SEC. 4. The committee on public grounds shall appraise all squares or lots allotted for private places of burial before they

shall be subject to sale, and shall from time to time re-appraise such as may be unsold. No square shall be appraised at less than ten dollars, or half squares at less than five dollars; nor shall it be sold for less than the appraisal. All moneys arising from the sale of cemetery squares and lots shall be kept in a distinct fund, and shall be exclusively expended in improving and ornamenting the cemetery grounds.

SEC. 5. The city clerk shall keep a plat of the cemetery grounds, and also a record in numerical order of the blocks or squares in each division, with separate columns ruled therein for the entry of the amount of appraisal, the name of the purchaser, the amount sold for, and the date of sale; an additional column shall also be ruled for the entry of any re-appraisal which may be made; when any block or square or part thereof shall be sold, the clerk shall make an entry of the name of the purchaser, the amount sold for, and the date of the sale, opposite the number of the square on the record, and shall also designate the square or part thereof sold by coloring the same on the plat.

SEC. 6. All applications for the purchase of cemetery lots or squares shall be made to the city clerk, who shall give to the person applying, an order on the city treasurer, to receive the amount for which the square, part of square, or lot may be appraised, stating on what account the same is to be received; and upon payment being made, the treasurer shall give his receipt for the amount paid, stating on what account received, and upon the filing of the treasurer's receipt with the clerk, he shall make the proper entry of the sale on the record, and deliver to the purchaser a deed for the square or part of square sold, signed by the mayor and countersigned by him under the corporate seal.

The deed may be in the following form:

OAKRIDGE CEMETERY DEED.

The city of Springfield in consideration of —— dollars paid by ——, in conformity with the provisions of the ordinance of the city establishing the Oakridge Cemetery, hereby grants, bargains, sells, and conveys unto the said —— ———, square numbered ——

in division numbered —, in the Oakridge Cemetery, as platted and recorded in the office of the recorder of Sangamon county, Illinois, and in the office of the city clerk of said city.

To have and to hold the same, with its appurtenances, unto the said — —, his heirs and assigns forever, for a place of burial and for no other use or purpose whatever; subject nevertheless, to such general rules and regulations as the city council of said city, may from time to time establish; and the city of Springfield hereby covenants with the said — —, his heirs and assigns, that the Oakridge Cemetery as platted and recorded as aforesaid, shall forever be kept and preserved as a place of burial of the dead of said city.

In testimony whereof, I, A. B., mayor of said city of
[SEAL.] Springfield, have hereunto set my hand, and caused
the corporate seal of said city to be affixed this —
day of —, A. D., 185—.

A. B., Mayor.

Countersigned, C. D., City Clerk.

SEC. 7. The clerk and treasurer shall each keep a cemetery account, in which all moneys received or paid on account of the cemetery shall be charged or credited; and they shall report to the regular monthly meetings of the city council a true statement in brief of receipts and payments.

DIVISION II.—CITY SEXTON.

SEC. 8. The city council shall annually appoint a city sexton, who shall have charge of the cemetery, and shall keep and preserve the grounds, buildings, and fences in good order and repair, and the monuments, tombstones, shrubbery, and every other thing erected or placed within the cemetery for ornament or otherwise, free from injury or deface, and the walks and avenues clear, in good condition, and free from obstruction; he shall enforce the ordinances of the city in relation to the cemetery, and report all violations thereof to the mayor or any police officer for prosecution, or prosecute the offender before any police magistrate or

other competent court; he shall have power to arrest, and shall arrest, without warrant, all persons who shall hunt, discharge fire arms, or otherwise trespass upon the cemetery grounds.

SEC. 9. The city sexton shall obtain from the city clerk a plat of the cemetery, and a numerical list of all the blocks or squares, with the lots numbered thereon; the name of the owner shall be marked opposite each block or square or part of square sold; the sexton shall each month when making his monthly return obtain from the city clerk a list of the squares or parts of squares sold since his last return, and shall enter the name of the owner opposite to the proper number of the square or part of square on his list.

SEC. 10. Any person desiring to make any interment in the cemetery, shall apply to the city clerk therefor, and upon payment of the sexton's fee and the sum charged, the clerk shall deliver to the applicant a certificate to the sexton, stating the name of the deceased, and the number of the lot in which he or she is to be interred, and shall make an entry in a suitable book of the name of the deceased, the date of his or her death, the lot in which he or she was interred, the disease, cause, or manner of death, the sex, and color, and when practicable and can be ascertained, of the age, occupation, birth place, and residence of the deceased; if the deceased shall be a pauper or a stranger without means, and no person chargeable with his interment or liable therefor, the clerk's certificate shall state the fact.

SEC. 11. The sexton upon the receipt of the certificate and making any interment, shall enter the name of the deceased with the date of the interment, and the number of the lot in which interred, in his record of interments, and he shall make no interment without the delivery of the certificate of the clerk to him, nor in any other lot than is named therein under a penalty of five dollars; and he shall on the first Monday of each month, return to the city clerk, all the certificates issued and received by him during the preceding month; and they shall be filed and preserved by the clerk in his office, and the clerk and sexton shall examine such certificates, and compare them with the entries on their books and see that they correspond therewith.

SEC. 12. There shall be charged and collected by the clerk for the interment in the cemetery of each dead body having been an inhabitant of the city, and not interred in a private lot, one dollar, and for the interment of each dead body not having been an inhabitant of the city, and not interred in a private lot, two dollars, to be paid to the clerk before the issuing or delivery of the certificate to the sexton.

SEC. 13. The sexton may charge and receive two dollars and a half for the interment of a full grown body, and not exceeding two dollars for the interment of any other dead body, to be paid to the city clerk before delivery of the certificate to the sexton, and paid by him to the sexton monthly; for interring paupers or strangers without means, and no person chargeable for their interment or liable therefor, he shall be paid from the city treasury upon the approval and allowance of his account by the city council; for disinterring or removing any dead body he may charge and receive the customary or a reasonable compensation, to be paid by the person employing him; and he shall make an entry in his record of all disinterments in the cemetery and of the lot in which any body may be re-interred, and shall report the same to the city clerk who shall make the proper entry thereof in his record.

SEC. 14. The city sexton shall, if required by the city council, reside in the building to be erected upon the cemetery grounds for a sexton's house, and shall be in readiness at all seasonable times, by himself or some competent assistant, to perform all the duties required of him. He shall dig or cause to be dug all graves, attend to the interment of all dead bodies therein, and fill up, trim, and keep and preserve the graves in good order. Each grave for a full grown body shall not be less than five and one half feet in depth; and for any other body not less than five feet. If he shall willfully neglect or refuse to discharge or perform any duty required of him, or shall improperly maltreat any dead body, or any grave, he shall be subject to a penalty of not less than ten dollars, and may be removed from office.

SEC. 15. The city sexton, upon the appointment and qualification of his successor in office, shall deliver to him all records,

books, maps, and other property pertaining to his office ; and upon willful neglect or refusal so to do when required, shall be subject to a penalty of not less than fifty dollars.

SEC. 16. Whoever shall hunt, discharge fire arms, or otherwise trespass upon the cemetery grounds, shall be subject to a penalty of not less than five dollars.

SEC. 17. Whoever shall carry away or remove, or shall willfully, maliciously, or negligently break, deface, destroy, or otherwise injure any monument, tombstone, tree, shrub, railing, fence, or any other property, article or thing belonging to the cemetery, or placed or erected therein for ornament or otherwise, or shall trespass upon or maltreat any grave, shall be subject to a penalty of not less than ten dollars; and in addition thereto the expenses which may be incurred in repairing the injuries committed shall be added to the penalty, and included in the judgment.

SEC. 18. The sexton or person having charge of each cemetery or burying ground in the city, or within one mile thereof, shall make an entry in an appropriate book, of the name, sex, and color of each body interred in such cemetery or burying ground, with the date of death, the disease, cause or manner of death, and when practicable, and can be ascertained, of the age, occupation, birth place, and residence of the deceased, and shall on the first Monday of each month, make a full report thereof to the city clerk ; and for each failure or neglect so to do, he shall be subject to a penalty of ten dollars.

PASSED May 14, 1856.

CHAPTER VIII.

CENSUS.

An Ordinance providing for the Census of the city.

SECTION 1. The city assessor and collector shall biennially, or annually if required by the city council, take and make out an

enumeration of the inhabitants of the city, and return the same to the city council on or before the first Monday of August.

SEC. 2. The census shall be taken in each ward separately, in a suitable book or books properly ruled and headed, and shall show separately the number of males and females under five years of age, the number over five and under twenty-one, the number over twenty-one and under fifty, and the number over fifty, the block on which they reside, and the number of negroes or mulattoes, and persons of foreign birth. The census shall also show the number of buildings in each block exclusive of out buildings and the number not situated on blocks and the materials of such buildings, the number of manufactories and business houses of all kinds, the amount of capital invested in each and the amount of business done annually, and the number of persons or employees employed or engaged therein; the number of school houses, colleges, churches, and other public buildings, and the estimated value of each; and such other statistics and information as the city council may direct.

SEC. 3. The assessor and collector shall call at each dwelling, manufactory, or place of business, and inquire of the head or some member thereof, or person connected therewith, who can inform him, and ascertain the facts herein required: but if no such person can be found he shall list them from the best information he can obtain. He shall register the names of all heads of families, and of all persons not belonging to any family; and under the head of the family, all persons residing therein, whether as boarders or otherwise, so that they be residents of the city, shall be enumerated. He shall register in a separate column, the names of all male persons of twenty-one years of age and upwards in each ward, marking the letter "C" opposite the names of colored persons.

SEC. 4. Each column shall be added up and the amount carried forward, so as to show the total number or amount of each class, and the totals of each class shall be added up so as to show the totals of all classes.

SEC. 5. Any person who shall when requested, refuse to give to the assessor and collector, while he may be engaged in taking

the census, any information within his knowledge in relation to any of the facts herein required, or shall knowingly give any false information in relation thereto, shall be subject to a penalty of five dollars.

PASSED May 14, 1856.

CHAPTER IX.

DOGS.

An Ordinance in relation to Dogs.

SECTION 1. No dog or bitch shall run at large in the city, unless the owner or keeper thereof shall place and keep upon the neck of such dog or bitch, a substantial metallic or leather collar with a metallic plate affixed thereto, upon which the name of the owner shall be legibly inscribed, under a penalty of not less than three dollars.

SEC. 2. The owner or keeper of any dog or bitch, shall without delay after the due publication hereof, or as soon as any dog or bitch shall come into his possession, and annually thereafter before the first day of June in each year, give his name, with the name and description of his dog or bitch to the city marshal, who shall register the same in a suitable book kept for that purpose, and shall stamp upon or affix to the collar of the dog or bitch thus registered, the letter "R," and the year of the registry; and he may charge and receive a fee of twenty-five cents for each dog or bitch registered by him; but he shall not be entitled to any fee for registering any dog or bitch, registered after the first day of January in each year. Whoever shall not comply with the requirements of this section, shall be subject to a penalty of not less than three dollars.

SEC. 3. When danger of hydrophobia may be deemed to exist in or near the city, the mayor or city council may, by proclamation, or by notice in the daily newspapers of the city, or by printed hand-bills, require all persons to confine all dogs and bitches, or

securely muzzle them with a wire muzzle, for such time as may be designated in such proclamation or notice, or until otherwise ordered; all dogs or bitches found running at large in the city, contrary to the provisions of this section, whether owned or kept within or without the city, shall be destroyed by the city marshal or any police constable, and the owner or keeper of any such dog or bitch, who shall knowingly permit the same to run at large, contrary to the provisions of this section, shall be subject to a penalty of not less than five dollars.

SEC. 4. The marshal and police constables shall prosecute the owner or keeper of any dog or bitch, permitting the same to run at large contrary to the requirements hereof, and shall kill or destroy all dogs or bitches found running at large and not registered and collared as is herein required, and for which no owner or keeper can be found upon reasonable inquiry; but the provisions hereof, except the third and fifth sections, shall not apply to any dog or bitch brought into the city by any person not a resident thereof, until such dog or bitch shall have been in the city for three days.

SEC. 5. Any bitch running at large while in heat, is hereby declared a nuisance, and the owner or keeper of such bitch, so permitting the same to run at large while in heat, shall be subject to a penalty of not less than five dollars, and the marshal or any police constable shall destroy such bitch.

SEC. 6. The city marshal and police constables, shall receive fifty cents for each dog or bitch destroyed by them, and removed beyond the city, to be collected or recovered of the owner or keeper of such dog or bitch, if known, and if not, to be reported to the city council upon oath for allowance, and payment from the city treasury.

SEC. 7. The city marshal or any police constable may with the concurrence of the mayor, employ at his own cost, and on his own responsibility, such assistants as may be necessary to aid in the execution of the requirements hereof, and they may adopt any mode that may be deemed best to accomplish the destruction of dogs and bitches, and shall, without delay, cause all dead dogs and

bitches to be removed beyond the city, so as not to be or become a nuisance to any person.

SEC. 8. The city marshal and police constables shall, from time to time or when required by the city council, report the number of dogs registered, the amount of fines collected, and the number of dogs killed under the provisions hereof.

SEC. 9. Whoever shall hinder, delay, resist, or obstruct any officer or his assistants, in the execution of any duty herein required, or shall aid or abet the same, shall be subject to a penalty of not less than five dollars.

SEC. 10. Any officer, assistant, or other person who shall destroy any dog or bitch collared and registered or muzzled as is herein required, or shall bring, or entice, or cause to be brought or enticed, any dog or bitch into the city for the purpose of destroying the same, or shall entice any dog or bitch out of the premises of the owner or keeper thereof for such purpose, or shall molest or seize any dog or bitch while being led or held by any person; or shall remove the muzzle or collar from any dog or bitch, or shall throw or place or cause to be thrown or placed any poisonous meat or other poisonous substance, into any private inclosed premises, shall be subject to a penalty of not less than ten dollars in each case.

SEC. 11. Any owner or keeper of a fierce or dangerous dog or bitch, who shall knowingly permit the same to go at large to the danger, annoyance, or damage of any person within the city, shall be subject to a penalty of not less than five dollars for the first offense, and not less than ten dollars for the second offense; and upon a second conviction, the marshal or any police constable shall cause such dog or bitch to be destroyed.

PASSED May 14, 1856.

CHAPTER X.

ELECTIONS.

An Ordinance in relation to Elections.

SECTION 1. A general election for all elective city officers, shall be held in each ward of the city, on the first Tuesday of April in each year, at such place as may be designated by the city council. The city clerk shall give at least six days' notice of any election, by posting up written or printed notices thereof, in at least three of the most public places of the ward, or by publishing for six days at least an advertisement in the newspaper publishing the ordinances of the city, stating the time and place of holding the election, and the officers to be elected. Special elections shall be held and conducted and notice thereof given in the same manner as general elections.

SEC. 2. The city council shall annually, at least eight days before the charter election, appoint by ballot in each ward, three legal voters thereof, to act as judges of election for the year for which they are appointed, or during the pleasure of the city council. The city clerk shall without delay after such appointment, make out and deliver to the marshal a certificate of appointment under the corporate seal, to each of the persons appointed judges; and the marshal shall deliver such certificate to each person appointed, within three days after their appointment. The city council may, at the time of appointing the judges of elections, appoint from the legal voters of the ward, an alternate in the place of each of the persons appointed as judges; and such alternates may serve as judges in case of neglect or refusal of any of the persons appointed as judges to act; and they shall be notified of their appointment as alternates in like manner as the judges.

SEC. 3. If any judge of elections shall refuse to act or shall not attend at the time fixed for the opening of the polls, the vacancy shall be filled by the alternate; or if no alternate shall attend, by a legal voter of the ward to be chosen by the majority of judges or alternates in attendance. If no majority of judges

or alternates shall attend, a majority of the legal voters of the ward in attendance, may choose the requisite number of judges in like manner. But all the judges shall not in any case be chosen from the same political party, unless the persons who may be first so chosen, or appointed shall neglect or refuse to serve.

SEC. 4. The judges shall choose two legal voters of the ward to act as clerks of elections, who shall be clerks of elections during the pleasure of the judges. But no person holding any office under the United States,* the state, or the city, or candidate for any state or city office, shall be a judge or clerk of any city election.

SEC. 5. The judges and clerks shall severally before opening the polls or receiving any votes, take and subscribe an oath or affirmation, which shall be affixed to the poll list, and may be in the following form—to wit:

“We do solemnly swear (or affirm), that we will perform the duties of judges and clerks of this election according to law and to the best of our abilities, and that we will studiously endeavor to prevent fraud, deceit and abuse, in conducting this election.

Signed,

A. B.,
C. D., } Judges.
E. F., }

G. H., } Clerks.
I. K., }

Sworn to and subscribed before me at Springfield, this —— day of —— A. D., 185—.

L. M., City Clerk or J. P.

If no officer authorized to administer oaths shall be present at the opening of the polls, any judge may administer the oath to the other judges, and to the clerks, and one of the judges so sworn, may administer the oath to him. The oath when thus administered shall be certified by the judge administering the same. No

* “Nor shall any person holding an office of honor or profit under the government of the United States, hold any office of honor or profit under the authority of the state.” State Constitution, Art. III, Sec. 29. See *People vs. Dickson*, 17 Ills. Rep. 191.

returns shall be invalid or rejected, for any defect in the manner of administering or certifying the oath.

SEC. 6. If any judge or clerk after entering upon his duties, shall, by sickness or other disability, be unable to continue to act, another may be appointed in his place by the judges. In such case the person substituted shall take and subscribe the oath as hereinbefore required, and the substitution and the time thereof shall be noted on the poll lists.

SEC. 7. At all elections the polls shall be opened at eight o'clock A. M., or as soon thereafter as the judges and clerks shall be qualified, and shall be kept open until six o'clock P. M., except that the judges may adjourn for one hour for dinner. When opened, proclamation shall be made "that the polls are now open."

SEC. 8. A ballot box with a lock and key, and an aperture in the top thereof not larger than will admit a single folded ballot, shall be provided for the use of the judges of each ward by the city clerk. Before receiving any vote the box shall be publicly opened and examined by the judges to see that there is no ballot therein, and shall then be publicly closed and locked and the key taken by one of the judges.

SEC. 9. The city clerk shall provide two poll lists for each ward with columns ruled for the name and number of each voter. The poll lists may be in the following form, to wit:

Poll list of voters in the —— ward of the city of Springfield at the charter (or special) election held at —— in said ward on —— the —— day of ——, A. D. 185—, as follows, to wit:

No.	Names of Voters.	No.	Names of Voters.
1	A. B.	24	W. X.
2	C. D.	25	Y. Z.

The clerks of election shall keep the poll lists and shall write down the names and number of voters in the order in which they vote, marking the letter "S" opposite to the names of all persons

who may be challenged and sworn. They shall also keep in a separate list the names of all persons whose votes are rejected; and the ballots offered by such persons shall be kept by the judges with the name of the person indorsed thereon.

SEC. 10. The mode of voting shall be by ballot. The ballot shall consist of a single piece of white paper, on which shall be printed, or written, or partly both, the name of each person voted for, with the name of the office to which the voter wishes him elected, and without any marks or figures on the back thereof intended to designate one ballot from another.* The ballot shall be folded by the voter, and if received, placed in the ballot box by the judges; but any person may vote an open ballot if he chooses. The judges shall not open or examine any ballot offered, except so far as to ascertain whether it be single or not; and if any ballot shall be discovered to be double it shall be rejected, and the person offering the same shall not vote at that election. Nor shall the judges mark any ballot except when the vote of the person offering it is rejected.

SEC. 11. Every white male citizen of the United States of the age of twenty-one years, and every white male inhabitant of the age aforesaid, who was a resident of this state on the first day of April, A. D. 1848, who has actually resided in this state one year, and in this city six months, and in the ward in which he proposes to vote, for ten days next preceding the election, shall be entitled to vote in said ward. All persons shall be deemed residents of the ward in which they are accustomed to lodge.

SEC. 12. The judges or any legal voter of the ward shall have the right to challenge any vote. When any person offering to

* Under the state election law of 1849, which provides that "no ballot shall be received or counted unless the same is written or printed upon white paper, without any marks or figures thereon intended to distinguish one ballot from another," where, upon an election being held, some of the ballots were rejected on account of the blue lines ruled in the paper by the manufacturer, and the bluish tint of the paper, it appearing that the ruled lines were not marks placed upon the ballots for the purpose of distinguishing one from another, but that the paper was casually used—it was held that the ballots were upon white paper within the meaning of the law and should not have been rejected, and having been once received by the judges without objection, their rejection afterwards, for that cause, would be a fraud upon the voters. *People vs. Killduff*, 15 Ills. Rep. 500.

vote shall be challenged, and shall not be able to prove by competent evidence, that he is legally entitled to vote, to the satisfaction of the judges and the person challenging, the judges shall cause to be administered to him the following oath :

“ I swear (or affirm) that I am of the age of twenty-one years, that I am a citizen of the United States, (or was a resident of this state at the time of the adoption of the Constitution,) [April 1st, 1848,] and have been a resident of this state one year, and a resident of this city six months immediately preceding this election, and am now and have been for the last ten days past, a resident of this ward, and have not voted at this election.”

If any person challenged shall refuse to take the oath, his vote shall be rejected. If he shall take the oath, his vote shall be received, unless his oath shall be proved to be false, to the satisfaction of a majority of the judges.*

SEC. 13. In case it shall be necessary to suspend the voting, or to adjourn for dinner before the polls are closed, or to adjourn the canvassing of the ballots after the polls are closed, in either case the ballot box shall be publicly opened in the presence of all the judges, and the poll lists placed therein. The ballot box shall then be taken and sealed, and the opening in the top sealed by the judges, and the box delivered to one of the judges and the key to another, to be so kept until the re-opening of the polls, or until they shall meet for canvassing the ballots.

SEC. 14. The clerks shall, from time to time, and at the closing of the polls, examine and compare their poll lists and correct all errors therein, under the direction of the judges, until they shall correspond. When the polls are finally closed the judges and clerks shall proceed to canvass the ballots, and shall first count all the ballots unopened, except so far as to ascertain whether a ballot be single or not ; if two or more ballots shall be found folded together they shall be rejected. If, after counting the ballots, and rejecting such as are double, the number of ballots received shall

* When a vote is tendered at an election and the oath required by law is taken and not proven to be false—by evidence satisfactory to a majority of the judges—they have no discretion, but must receive the vote. *Spragins vs. Houghton*, 2 Scam. Rep. 408.

exceed the number of votes polled, the judges shall replace the ballots in the box, and after shaking them up, draw out by lot and destroy the number of the excess.

SEC. 15. In canvassing the ballots, the clerk shall mark down the votes each candidate receives, and the office which he is voted for in the ballot as the ballots are read by the judges. If any ballot shall contain a greater number of names of persons voted for for any office than there are persons to be elected to that office, it shall be void so far as that office is concerned. No ballot shall be rejected if the judges can determine to their satisfaction the person intended to be voted for, and the office which the voter intended he should fill. If two or more ballots shall be found folded together they shall all be rejected: or if any ballot shall have any mark or figure on the outside thereof, intended to distinguish one ballot from another, it shall be rejected. The ballots shall, when the count is finished, be placed in the ballot box and sealed up and returned to the city clerk with the returns. The list of rejected votes, and the rejected ballots, shall also be sealed up in a separate envelop and placed in the ballot box with the ballots.

SEC. 16. The clerks shall each make out returns of the election, by writing in full the name of each person voted for, the number of votes received by him, and the office for which he was voted for. The returns may be in the following form:

“At an election held at —, in the — ward of the city of Springfield, on — the — day of — 185—, the following named persons received the number of votes set opposite to their respective names, for the following described offices, to wit:

A. B. had one hundred votes for mayor,

C. D. had ninety-nine votes for mayor,

(*And so on through the whole list of officers voted for*).

Certified by us at Springfield, this — day of — 185—.

A. B.,
C. D., } Judges.
E. F., }

G. H.,
I. J., } Clerks.

SEC. 17. Upon completing the returns, the judges shall inclose them in two envelops with a poll list in each, and shall seal and direct them to the "city clerk of the city of Springfield," marked "ELECTION RETURNS." The judges shall then choose one of their number who shall deliver one of the returns with the ballot box and ballots to the city clerk within three days. The other return shall be given to another of the judges, who shall keep it for at least one year. If any judge of elections chosen to deliver the returns and ballot box and ballots to the city clerk, shall not deliver the same safely, with the seal unbroken, within three days after the election, he shall be subject to a penalty of not less than fifty dollars.

SEC. 18. When all the returns shall be filed with the city clerk, he shall, without delay, notify the mayor or any two aldermen thereof, who shall immediately call a meeting of the city council. The city clerk, in the presence of the city council, shall open the several returns and canvass the same, and, when finished, the city council shall declare the result,* and the clerk shall enter the same at full on the journals, naming each person voted for, the number of votes he received, for what office, and who is elected.

SEC. 19. When two or more candidates for any elective office shall have an equal number of votes for such office, the election shall be determined by the casting of lots in the presence of the city council, in the manner following. There shall be placed in a ballot box as many folded ballots as there are persons having an equal number of votes. On one of the ballots the name of the office for which the candidates were voted for shall be written, and the other ballot shall have some other word written upon it. The candidates shall then each draw one ballot, and the candidate drawing the ballot on which the name of the office is written shall be declared elected. If any candidate shall be absent, or shall re-

* When the law requires the judges of elections to make out their returns certified by them—return the same to the city council or other proper officers who constitute a board of canvassers, the latter can only declare the result as shown by the returns of the judges, and, unless the election is contested, can not pass upon the qualifications of voters or re-canvass the ballots and reject any of them. *People vs. Killduff*, 15 Ills. Rep. 500.

fuse to draw a ballot, the city council shall appoint one of their number to draw for such candidate.

SEC. 20. The city clerk shall, within three days after any person is declared elected to any office, deliver to the marshal a written notice, directed to the person elected, notifying him of his election, naming the office to which he has been declared elected, and requesting him to qualify within twenty days after such notice. The marshal shall, without delay, deliver the notice to the person to whom it is directed.

SEC. 21. The city marshal and all other police officers shall attend at all elections, for the purpose of maintaining order and keeping the peace. The judges shall preserve order at the polls and may command any police officer in attendance to arrest any person who shall disturb the peace by riotous or disorderly conduct. Any person who shall at the polls break or disturb the peace, or conduct himself in a riotous or disorderly manner, shall be subject to a penalty of not less than five dollars.

SEC. 22. If any person shall illegally vote or attempt to vote at any election, or being a legal voter shall vote or attempt to vote a second time at the same election, or shall knowingly vote or attempt to vote more than one ballot at any election, he shall in each case be subject to a penalty of not less than fifty dollars.

SEC. 23. Whoever shall aid, abet, or encourage any person to vote or attempt to vote illegally at any election, shall be subject to a penalty of not less than fifty dollars.

SEC. 24. Any judge of elections who shall refuse to receive the vote of any legal voter who shall take or offer to take the oath herein required, unless there shall be evidence satisfactory to a majority of the judges that the vote of such person is clearly illegal, or who shall receive the vote of any person challenged who shall refuse to take the oath herein required, shall, in each case, be subject to a penalty of not less than fifty dollars.

SEC. 25. Any judge or clerk of elections who shall knowingly admit or receive any illegal vote, or shall knowingly permit any person to vote more than once at the same election, or to vote more than one ballot, or shall be guilty of any fraud, corruption, par-

tiality, or manifest misbehavior in the discharge of the duties required of him, or shall willfully neglect or refuse to discharge or perform any duty herein required, shall, in each case, be subject to a penalty of not less than fifty dollars.

SEC. 26. Whoever shall, at any election, by force seize or attempt to seize, or carry away any ballot box or poll list shall be subject to a penalty of not less than one hundred dollars.

SEC. 27. If at any election any ballot box shall be carried away or destroyed so that the ballots therein can not be counted, the election shall be void and the city council shall order a new election.

SEC. 28. Any candidate for any elective office who shall desire to contest the validity of any election, or the right of any person declared elected, to hold the office to which he claims the right, shall within ten days after the election give notice of his intention in writing, to the person whose election he intends to contest; or if such person can not be found, he shall leave a similar notice at his usual residence, stating in such notice the specific reasons for which his election will be contested. He shall also notify the city clerk of his intention to contest such election, by filing a copy of the notice with him; and the city clerk shall not, after the filing of the notice with him, issue any certificate of election to the person whose election is contested. The city clerk shall report such notice to the next meeting of the city council, and the city council shall fix a time for the hearing and examining into such contest within thirty days; and at the time specified shall hear and examine all the testimony under oath if required which may be offered by both parties touching the case, and shall determine who is entitled to the place contested by a vote upon a call of the "yeas" and "nays," and the city clerk shall enter the determination at full upon the journal.

SEC. 29. If the election to the office of mayor is contested, and the person whose election is contested is in possession of the office, the city council shall choose one of their number as presiding officer, until the contest shall be determined.

SEC. 30. The mayor or presiding officer of the city council

shall issue warrants under the corporate seal for all witnesses that may be required, and deliver the same to the city marshal, who shall serve the same by reading, or by delivery of a copy thereof to the person summoned, and shall make return in what manner he has executed the same; and any person who shall neglect or refuse to appear or to testify when so required and summoned, shall be subject to a penalty of not less than twenty-five dollars, and may be compelled to appear or to testify in any other legal manner. When any witness may be unable to attend from sickness or other cause, or is beyond the jurisdiction of the city council, his deposition taken in accordance with the laws of the state may be read in evidence.

SEC. 31. Judges and clerks of elections shall each be entitled to receive two dollars for each day they may be actually engaged in holding and conducting any election; and the city clerk may draw his warrant on the treasurer for the same in favor of the person entitled thereto.

PASSED May 14, 1856.

CHAPTER XI.

FIRE DEPARTMENT.

An Ordinance organizing the Fire Department.

DIVISION I.—OF THE ORGANIZATION, ETC., OF FIRE DEPARTMENT.

SECTION 1. The fire department of the city shall consist of the mayor, the aldermen, the city marshal and police constables, a chief engineer and two assistant engineers, and such members of organized fire companies as may, from time to time, be appointed and confirmed by the city council.

SEC. 2. The city council may, from time to time, procure the necessary engines, hose, hooks and ladders, buckets, and other fire apparatus for the use of the fire department, and shall provide

convenient places for the safe keeping thereof; and such fire apparatus shall be kept in the best order for immediate use, by the officer, person, or company having charge of the same; and who, when any such apparatus may need repairs, shall, without delay, notify the mayor thereof, who shall immediately cause all necessary repairs to be made.

SEC. 3. The mayor, or in his absence, the chairman of the committee on fire and water, shall have and exercise a general supervision over the fire department; and he shall report to the city council, quarterly on the first Mondays of January, April, July, and October in each year, or oftener if required or necessary, the condition of the engines, hose, hooks and ladders, buckets and other fire apparatus which may belong to the fire department, and of the buildings in which they may be kept, and shall recommend such additions, improvements or alterations as may be deemed expedient or necessary. He shall also examine into the condition of such fire companies as may belong to the fire department, and report whether their organization is efficiently preserved, their records properly kept, and their by-laws duly observed by the members, and a non compliance therewith strictly enforced by the company. He shall also, from time to time, report the names of such persons as may have been admitted members of any organized fire company, for confirmation by the city council, and shall report to the city council the names of such officers or members of the fire department as have disobeyed orders, or neglected or refused to perform any duty required of them.

SEC. 4. The chief engineer of the fire department, or, in his absence, the assistant engineer, who may first be in attendance at any fire, shall take the command, and all officers and members of the fire department, and by-standers, shall observe and obey the orders and directions of the officer in command. The aldermen shall report themselves at each fire to the officer in command, and shall aid and assist in procuring supplies of water for the engines or buckets, in forming lines for the passage of water, in preventing the hose from being trodden upon, in keeping all idle or suspicious persons, or persons not usefully employed, out of the way and from

the vicinity of the fire, and in preserving and protecting property from damage or loss by fire or theft.

SEC. 5. The city marshal and all other police officers of the city, shall, at each fire, without delay, report themselves to the officer in command, and remain and be subject to his orders and directions, in preserving and protecting property, and in aiding in extinguishing the fire, and in discharging police duty. The supervisor shall also report himself at each fire, and shall, as far as in his power, preserve and protect any planked street or sidewalk from injury. If the marshal, the supervisor, or any police officer shall neglect to attend at any fire, without a satisfactory excuse, or shall refuse or willfully neglect to perform any duty herein required of him, he shall be subject to a penalty of not less than five dollars.

SEC. 6. The firemen may be divided into companies of engine-men, hosemen, hook and ladder men, and bucket men. Each company may adopt such organization and choose such officers, subordinate to the ordinances of the city, as may be deemed best calculated efficiently to accomplish the objects and purposes contemplated, and may be composed of not less than thirty, and not exceeding sixty active members, or such number as the city council may, from time to time, prescribe. The several fire companies shall have the charge and custody of such engines or other fire apparatus as may be delivered to them, and of the buildings in which the same may be kept, and shall cause all such fire apparatus to be kept and preserved in the best order for immediate use.

SEC. 7. Upon an alarm of fire, the different fire companies, under the command of their proper officers, shall repair to the place of the fire with their engines or other fire apparatus, and there work and manage the same under the direction of the officer in command, or in his absence, place and manage the same in the most effectual manner until the fire is extinguished. No fire company shall leave any fire, or shall remove their fire apparatus therefrom, without the order or permission of the officer commanding; and when the same is given, shall return their engines or other fire apparatus well cleansed and in good order to the place of deposit.

SEC. 8. No person shall use any fire apparatus for any private purpose ; nor shall, without authority, remove the same from the place of deposit thereof, under a penalty of not less than five dollars ; and no person having charge of any fire apparatus shall permit the same to be used for any private purpose, under a penalty of not less than five dollars, besides being personally liable for all damages that may occur thereby.

SEC. 9. The active and working members of any fire company shall be exempt from serving upon any jury, or working upon the streets and alleys, or paying any tax for the same. Each company shall, from time to time, cause to be returned to the mayor, to be reported by him to the city council, the names of persons who have been admitted members of such company, and the names of such as have been dismissed from or ceased to be members of such company. And each company shall, on the first Monday of July, annually, cause to be returned to the mayor, to be reported by him to the city council, a correct list of all the active and working members then actually belonging to such company. The city clerk shall keep a register of the names of the active and working members of any fire company, and the evidence to entitle any member to the exemption herein named shall be the clerk's certificate, under the corporate seal, for the year for which the exemption is claimed.

SEC. 10. The officer in command at any fire, may direct the tearing down or removal of any building, erection or fence for the purpose of checking the progress of the fire ; and with the concurrence of two aldermen, may cause any building or other erection to be blown up during the progress of the fire, if deemed necessary to extinguish or check the same.

SEC. 11. The mayor or any alderman, the marshal, the chief engineer, or any assistant engineer, or the officer commanding any fire company, may require all male persons in the city, and all bystanders to aid in drawing or conveying any engine or other fire apparatus to any fire, or to aid in managing and working the same while at any fire, or otherwise assist in extinguishing the fire, or in removing, guarding, and protecting property ; and any person

who shall neglect or refuse so to aid and assist when so required, shall be subject to a penalty of not less than three dollars.

SEC. 12. Whoever shall, at any fire, willfully hinder, delay, resist, or obstruct any officer, fireman, or other person in the discharge of his duty, or shall neglect or refuse to obey and observe the lawful commands of any officer, or shall conduct himself in a riotous or disorderly manner, shall, in each case, be subject to a penalty of not less than five dollars.

SEC. 13. The mayor or any alderman, or other officer belonging to the fire department, may, and the marshal and other police officers shall, during any fire, arrest any suspected person, or any person stealing or trespassing upon any property, or any person hindering, resisting, or obstructing any officer or other person in the discharge of his duty, or neglecting or refusing to obey the lawful commands of any officer, or conducting himself in a riotous or disorderly manner, and if necessary detain him in custody, or commit him for examination until he can be brought before a competent court or magistrate.

SEC. 14. The commanding officer may, during any fire, prescribe limits in the vicinity thereof, within which no person not residing therein, or not connected with the fire department, or usefully employed in aiding in extinguishing the fire, shall be permitted to come, under a penalty of not less than three dollars; and the marshal and all police and other officers, shall aid in executing the requirements of this section. The city marshal may, when necessary, with the concurrence of the mayor or two aldermen, appoint, as property guards, such a number of known and reputable citizens of the city, as may be necessary to aid in the guarding, protecting and preserving of property at any fire; and the persons so appointed, shall have and possess the same powers as police officers, during the time they shall so act, and the marshal shall return a list of such persons to the city council, and they shall be entitled to receive such reasonable compensation as the city council may allow.

SEC. 15. Whoever shall willfully, maliciously or negligently break, deface, destroy, or otherwise injure any fire engine or other

fire apparatus belonging to the city, or to any fire company, shall be subject to a penalty of not less than twenty-five dollars, and in addition thereto the expenses which may be incurred in repairing the injuries committed shall be added to the penalty and form a part thereof.

DIVISION II.—PRECAUTIONARY REGULATIONS.

SEC. 16. All stovepipes shall be securely put up, so as not to be in danger of falling, and shall lead and be closely fitted into a brick or stone flue or chimney, unless the mayor, the chief engineer, or two aldermen shall deem it to be equally safe if put up otherwise, and shall certify the same in writing. If any stovepipe shall lead otherwise than into a chimney or flue, it shall not pass through any roof, nor the side of any building, nor through more than one ceiling or partition before leading into a chimney or flue, and shall be separated at least three inches from any wood or other combustible material, by a double circle of tin, zinc, or sheet iron connected together with like metal, with air holes through the connecting metal, between the pipe and the wood. All stoves put up or used without secure aprons or hearths, shall be placed upon a platform of brick, zinc, or other incombustible material, extending far enough around the same to prevent the fire from falling upon the floor, and if set within eighteen inches of the wood work of any wall, the wall shall be protected with a zinc or other incombustible covering so as effectually to prevent taking fire from the stove. All chimneys or flues shall be built of brick or stone, well laid in lime mortar, and shall be smoothly plastered on the inside thereof, and shall be constructed in such a manner as that they shall settle with the rest of the building, and not be liable to separate or crack by the settling of the building. The holes for the insertion of stovepipes shall be made with an iron, stone, or earthenware thimble or casing inserted into the chimney or flue, and when the chimney or flue shall be used, such holes, unless also in use, shall be securely stopped with a tin, iron, or zinc stopper, having a flange of at least one inch outside the chimney or flue. No chimney or flue built in any loft shall be used unless there are

stairs leading to such loft, or it is otherwise easy of access at all times. Whoever shall put up, erect, or build any stove, stovepipe, chimney, or flue contrary to the requirements of this section, shall be subject to a penalty of not less than three dollars; and whoever shall use any such stovepipe, stove, chimney, or flue, so put up or erected contrary to the requirements of this section, shall be subject to a penalty of not less than one dollar for each day the same may be so used.

SEC. 17. No person shall carry or use any lighted candle, lamp, or fire in any part of any building, or stable, where any hay, straw, or other like combustible materials are kept, without securing the same in a lantern or other secure casing, so as not to endanger the taking fire thereby, under a penalty of not less than three dollars.

SEC. 18. All mechanics or other persons using or occupying shops, buildings or places where shavings or other like combustible materials are made or accumulated, shall clear out and remove such combustible materials from the building, shops, or places, and the premises adjacent or attached thereto, as often as may be necessary to prevent the dangerous accumulation thereof. The stove used in any such shop or building shall be set in a box or frame, extending at least six inches above the floor, and at least eight inches around and outside the stove, and filled or lined with fire proof material; the pipe of such stove shall be carefully put up as is herein required, and all lighted candles or lamps used in any such shops or buildings shall be set in a candlestick or stand, not liable to take fire, and all such lights shall be kept at a secure distance from any combustible material. Nor shall any fire, or other light be left burning therein when no person may be in such shop or building. Whoever shall not comply with, or shall violate any provision of this section shall, in each case, be subject to a penalty of not less than three dollars.

SEC. 19. No person shall carry from one place to another, any live or burning coals or fire, without securing the same in such a manner as to prevent the coals or sparks from falling or flying therefrom, or otherwise so as not to endanger any building

or property thereby, under a penalty of not less than three dollars.

SEC. 20. No person shall keep or deposit any ashes in any building, or in any place within twenty feet of any building, shed, fence, or other combustible material unless within a secure and covered metallic or earthenware or other fire proof vessel, or in a fire proof ash house without wood in any part thereof, under a penalty of not less than three dollars; and all soap boilers or other persons using ashes in manufacture in any wooden ash hopper or other wooden structure, shall keep them well dampened or saturated with water, under a penalty of not less than three dollars.

SEC. 21. No person shall stack or deposit any hay, straw, or other like combustible materials within one hundred feet of any dwelling house, or other building in which fire may be kept, without being so secured and inclosed as to be protected from sparks of fire, under a penalty of not less than three dollars, and a like penalty for each day the same may remain.

SEC. 22. No person, unless it may be raining at the time or the air still, shall set fire to or burn any shavings, straw, or other combustible materials in any open or public place in the inhabited part of the city; nor shall any person at any time set fire to or burn any such combustible materials in any open or public place between the hours of nine o'clock A. M. and five o'clock P. M., or within thirty feet of any building or other property likely to be endangered or damaged thereby, under a penalty of not less than three dollars in each case.

SEC. 23. No person shall boil any pitch, rosin, tar, or other inflammable liquid or substance except within a fire proof building, or in some open place at least thirty feet distant from any building or property likely to be endangered or damaged thereby, under a penalty of not less than three dollars.

SEC. 24. No person shall make, kindle, or use any fire in any building not fire proof, or in any shed except in a secure fireplace or furnace made for that purpose; nor shall any person make, kindle, or use any out door fire, when necessary for out door or other work, within twenty feet of any building or other property

likely to be endangered or damaged thereby, unless within a secure furnace made for that purpose, nor shall leave any such out door fire burning after ceasing to use the same, under a penalty of not less than three dollars in each case.

SEC. 25. No person shall set fire to or burn out any chimney or flue except in the day time and when it may be raining or the roof of the house may be covered with snow, under a penalty of not less than three dollars; and the person occupying any building shall cause all chimneys, flues and stove pipes which may be used therein, to be cleaned, swept, or burned out at least once during each year, and as much oftener as may be necessary to prevent the dangerous accumulation of soot, under a penalty of not less than three dollars.

SEC. 26. Whoever shall negligently or willfully make, kindle, use, or leave any fire, or shall deposite, leave, or use any ashes or other dangerous combustible or inflammable material, liquid or substance, or shall leave or use any lighted candle, lamp, or gas light, at such a time or in such a manner as to cause damage or injury to any building or other property, or to endanger any building or other property likely to be damaged or injured by such negligent or willful act, shall, in each case, be subject to a penalty of not less than three dollars.

SEC. 27. The owner of any building, not covered with fire proof material and exceeding one story in height, shall cause a suitable scuttle or opening to be constructed in the roof thereof, with convenient stairs leading thereto, or shall provide and keep upon the premises a substantial ladder long enough to reach the roof of such building, or shall provide some other convenient means of access to the same, under a penalty of not less than three dollars, and a like penalty for each week he shall fail to comply with the requirements of this section.

SEC. 28. No person shall trail, strew, or leave any shavings, straw, or other like combustible materials in, around, or near any building or property, so as to endanger or be likely to endanger or damage the same thereby, under a penalty of not less than three dollars.

SEC. 29. No lumber yard shall hereafter be established within the fire limits; nor shall any mechanic or other person keep on hand, for manufacturing purposes, within the fire limits, more than fifteen thousand feet of lumber at one time, under a penalty of not less than twenty-five dollars in each case; and all persons keeping or having lumber on hand whether within or without the fire limits, shall keep the same piled up or stacked in compact piles, and shall not permit any shavings, straw or other like combustible materials to be deposited or scattered near or around the same, under a penalty of not less than three dollars.

SEC. 30. The mayor, the aldermen, the city marshal and police constables, shall be *ex-officio* fire wardens; and they and the chief engineer and assistant engineers of the fire department shall have power to enter all buildings and premises to examine whether they are in a safe condition; and shall enforce or cause to be enforced all the provisions hereof, and shall prosecute or cause to be prosecuted all violations of the same; the chief engineer or one of the assistant engineers of the fire department shall, during the month of November in each year, examine all buildings and premises within the city; and shall, from time to time, or whenever requested by the owner or occupant of any building or premises, (or the mayor or any alderman, when so requested) shall carefully examine the same or any contiguous building or premises, and shall notify and require the owner or occupant thereof liable therefor, to cause any chimney, flue, stove, stovepipe, furnace, ash house, or other place in which fire may be kept or used which may be deemed unsafe or dangerous, or any other cause from which immediate danger of fire may be apprehended, or which may be deemed unsafe or dangerous in causing or promoting fires, to be without delay removed, abated or placed in a safe condition; and upon the neglect or refusal of such owner or occupant to comply with such notice, he shall be subject to a penalty of not less three dollars, and the officer shall, without delay, cause such building or premises to be placed and put in a safe condition; and the necessary costs thereof shall be collected of such owner or occupant liable therefor, and recovered by suit in the name of the city, before any court having jurisdiction.

DIVISION III.—FIRE LIMITS.

SEC. 31. All that part of the city embraced within blocks numbered eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, twenty-one, twenty-two, and twenty-three of the original town plat of the town (now city) of Springfield, with such other parts of the city as may hereafter, from time to time, be added thereto by ordinance, shall constitute and be known as the fire limits.

SEC. 32. No building or part of any building shall be erected within the fire limits, unless all the outside walls and party walls thereof shall be built of stone, brick, or other fire proof material; and all wooden joists, beams, or other timbers, placed in the outside or party walls, shall be separated from each other at least four inches, with stone or brick well laid in mortar, and all wooden lintals or plate pieces, placed in the front, rear, or side walls, shall recede from the outside of the wall at least four inches, or when they shall not so recede shall be covered with fire proof material.

SEC. 33. All roofs and gutters hereafter placed on any brick or other fire proof buildings, already erected or to be erected, shall be covered on the outside surface with copper, tin, iron, or other fire proof material; and all wooden cornices placed upon any such building shall be covered with like fire proof material, and shall be separated from the wooden cornice or other wooden part of any adjacent building, by a brick or other fire proof partition of at least four inches; nor shall any of the outer timbers or woodwork of any such building connect with any of the interior timbers or woodwork; but the roofs, cupolas, or spires of churches or other public buildings belonging to the United States, the state of Illinois, the county of Sangamon, or to the city, which may stand thirty feet from any other building, or the roofs of buildings already erected and used exclusively for private dwelling houses, may be covered or built with boards or shingles; and sheds with one or more of the sides entirely open, not exceeding ten feet in height at the highest part, and privies not exceeding ten feet square and ten feet in height may be built of wood.

SEC. 34. All outside, end and party fire walls of any brick or other fire proof building shall extend above the roof of such building at least ten inches ; nor shall the planking or sheeting of any roof extend across the fire wall of such building.

SEC. 35. No wooden building or part of any wooden building within the fire limits, shall be erected, raised, repaired or enlarged except that buildings built of wood and used exclusively for private dwelling houses may be repaired, but shall not be raised or enlarged ; nor shall any such wooden building or part of wooden building within the fire limits, be removed to any other place within the same ; nor shall any such building or part of building be removed into the fire limits, from without the same ; nor shall any wooden building within the fire limits which may become damaged to the extent of fifty per cent of the value thereof by fire or other casualty, be repaired or rebuilt ; nor shall any such building when the damage thereto is less then fifty per cent of its value, be so repaired as to be raised higher than the highest point left standing after such damage shall have occurred, or so as to be in a better condition or state of repair than before such damage, or so as to occupy a greater space than before the injury thereto.

SEC. 36. The extent of damage that may be done to any such building by fire or other casualty, may be determined by three disinterested citizens of the city, one of whom shall be selected by the owner of the building or his agent, the second by the mayor or the majority of the committee on fire and water, and the two so chosen shall select a third, and the decision of the persons so chosen shall be final and conclusive.

SEC. 37. Any owner, builder, or other person who shall own, build, or aid in the erection, raising, enlarging or repairing of any building or part of any building within the fire limits contrary to or in any other manner than is authorized by the provisions hereof ; or whoever shall remove or cause to be removed, or aid in removing any wooden building within the fire limits from one place to another within the same, or from without the fire limits in to the same, contrary in either case to any provision hereof, or shall otherwise violate any provision hereof, shall, in each case, be sub-

ject to a penalty of not less than one hundred dollars, and to a like penalty for each week he shall fail to comply with the provisions hereof or continue in violation of the same, to be sued for and recovered before any court or magistrate having jurisdiction.

SEC. 38. Any wooden building or wooden part of any building which may be erected, raised, enlarged, repaired, or removed, or which may be in a process of erection, raising, enlargement, removal, or repair, contrary in either case to any provision hereof, shall be deemed and is hereby declared to be a nuisance, and the mayor shall, upon information of any such violation, give due and reasonable notice to the owner or builder of such building to abate, remedy, or remove the same or such part thereof as may be necessary; and upon his failure to comply with such notice, the mayor shall, by an order in writing, require the city marshal to remove or tear down such building or such part thereof as may be necessary; and the city marshal shall execute the order of the mayor, and shall report the costs and expenses of such removal upon oath to the city council for allowance; and such costs and expenses may be collected of the owner or builder of such building, liable therefor, by suit in the name of the city before any court having jurisdiction, or assessed against the premises chargeable therewith, and collected by warrant and sale of the same, in the same manner as in cases of other nuisances.

PASSED June 25, 1857.

CHAPTER XII.

GAMING AND COUNTERFEITING IMPLEMENTS.

An Ordinance in relation to Gaming and Counterfeiting Implements.

SECTION 1. The mayor, or any police magistrate, the marshal or any police constable shall seize or cause to be seized and brought before any police magistrate, or reported to him, any gaming

table, implement, instrument, or device, set up or used for the purpose of gaming therewith ; or any implements, instruments or devices used for the purpose of gaming, or for counterfeiting, lock-picking, pocket-picking, or for the commission of burglary, or any Mexican puzzle, or other implement or device used by cheats, vagrants and swindlers, and in the possession of any person without his being able to give a good account of the possession thereof. And all such instruments, implements or devices shall be destroyed by the order or warrant of any police magistrate, upon his being satisfied that they are used, or to be used, or likely to be used for any unlawful purpose.

SEC. 2. Any police magistrate, upon satisfactory information that any gaming table, implement, instrument or device is set up or used for the purpose of gaming therewith, and concealed in any premises, or that any implements, instruments or devices named in the preceding section, are concealed therein, shall issue to the marshal or any police officer a warrant for searching such premises and seizing and bringing before or reporting to him any such implements, instruments or devices as may be found therein ; and the officer, in the execution of such warrant, may enter such suspected premises peaceably or after demand made and refusal to admit him, by force ; and may arrest all suspected persons found therein, and shall seize all such unlawful tables, implements, instruments or devices, and the same shall be destroyed by order or warrant of any police magistrate, as is required in the preceding section. And whoever shall hinder, delay, resist, or obstruct any officer in the execution of any duty herein required, or shall aid or abet the same, shall be subject to a penalty of not less than ten dollars.

PASSED August 13, 1856.

CHAPTER XIII.

GAS LIGHT COMPANY.

An Ordinance granting the use of the Streets, Alleys, and Side Walks to the "Springfield Gas Light Company."

I.—GRANTING USE OF STREETS.

SECTION 1. The Springfield Gas Light Company be, and is hereby authorized and permitted to use and occupy the streets, alleys, and side walks of the city, for the purpose of laying down and repairing all necessary pipes and other fixtures, for conducting gas for light in and under the streets, alleys, and sidewalks of the city. *Provided*: That said company shall complete their said works, and have the same in operation, by the first day of May, A. D. 1855. *And provided further*: That before opening or occupying any street, alley, or side walk for the purpose aforesaid, the proper officer of said company shall give at least five days' notice thereof to the city supervisor. Nor shall said company, in laying down or repairing its pipes or other fixtures, unnecessarily obstruct any street, alley, or side walk, nor for an unreasonable time; and shall, within a reasonable time after using, opening, or occupying any street, alley, or side walk for laying or repairing pipes or other fixtures, replace such street, alley, or side walk in the same condition, as near as may be, as before the using, opening, or occupying thereof, and shall, from time to time, fill up and repair all depressions or unevenness in any street, alley, or side walk, caused by the settling of the ground or otherwise, in laying pipes or other fixtures. And said company shall be liable to the city of Springfield, and to private persons, for all damages and injury arising from the use or occupancy of any street, alley, or side walk so used or occupied by them for the purpose aforesaid.

SEC. 2. The said Springfield Gas Light Company shall erect and furnish, when required by the city council, all necessary street lamps, lamp posts, burners, and other fixtures equal in quality to those in use in the city of Chicago; and shall keep all street lamps lighted during such times and hours as shall be required by the

city council ;* such times and hours to be regulated in the manner customary in other cities. The city to pay to said company at the rate of twenty dollars per annum for the use of each lamp and the gas consumed therein, and five dollars in addition thereto, for lighting, extinguishing, repairing, and keeping the same in order, payable quarterly.

SEC. 3. The Springfield Gas Light Company shall, before proceeding to act under this ordinance, notify the city council of the acceptance thereof, by notice in writing, which shall be entered in full upon the journals of the city council.

PASSED April 20, 1854.

II.—ESTABLISHING LAMP DISTRICT, ETC.

An Ordinance in relation to Street Lamps and establishing the Lamp District.

SECTION 1. All that part of the city situated within one half block of the public street lamps which are now or may hereafter be erected along any street by order of the city council, shall constitute the "LAMP DISTRICT" of the city.

SEC. 2. The city council may, from time to time, order the erection of street lamps, by giving reasonable notice thereof to the Springfield Gas Light Company. The mayor and committee on gas light shall direct the location of the public street lamps, and shall cause them to be so placed along the streets as to diffuse the light as equally as may be.

SEC. 3. The Springfield Gas Light Company shall keep the street lamps well cleaned, and shall cause them to be lighted at twilight in the evening, and shall keep them lighted until the dawn of day in the morning, except when the clear moonlight shall render it unnecessary.

SEC. 4. The gas light used in the street lamps shall be of an illuminating power equal to the gas light used in the street lamps of the cities of Chicago and Saint Louis, and if at any time there is not a sufficiency of light, by reason of there not being a sufficient flow of gas, or the lamps not being clean, or otherwise, the gas

* See Section 3 of Ordinance, Post II.

light company, upon notice to the superintendent or president of the company, by any member of the gas light committee, shall immediately, or as soon as may be, remedy the same, and upon a failure to do so, shall be subject to a reasonable deduction in their quarterly account, in the discretion of the city council.

SEC. 5. All street lamps ordered by the city, and erected by the gas light company, shall be subject to the inspection and approval of the gas light committee, before being lighted at the charge of the city; and the gas light company shall cause the same to be numbered in consecutive numbers from one upwards.

SEC. 6. The city clerk shall cause a copy of this ordinance to be delivered to the president and superintendent of the Springfield Gas Light Company.

PASSED June 18, 1855.

III.—SUPPLEMENTAL ORDINANCE.

An Ordinance supplemental to an Ordinance entitled, "An Ordinance in relation to Street Lamps, and establishing the Lamp District."

SECTION 1. The mayor, and each member of the gas light committee, shall see that the public street lamps are kept well cleaned, in good order and repair, and well and properly lighted; and when any omission on the part of the Springfield Gas Light Company or its agents or servants to do the same, shall come to the knowledge of either of them, he shall, without delay, notify the president or superintendent of the gas light company thereof, and if such omission shall not be remedied within a reasonable time after such notice, he shall report the fact to the city council.

SEC. 2. The city council shall annually, at the time of levying taxes for general purposes, and in the same manner, levy and assess upon all the property in the lamp district, a tax sufficient to defray the one half the cost and expenses of lighting the streets in such district. The city clerk shall enter such tax in the appropriate column in the assessor's and collector's warrant, and such tax shall be collected by the assessor and collector in the same manner in all respects as general taxes, and paid into the city

treasury to the credit of the lamp district ; and the treasurer shall keep a separate account thereof, and such tax shall be exclusively expended for lighting the streets in the lamp district.

SEC. 3. The city clerk shall keep a "Lamp district account," and shall credit the same with all lamp taxes collected, and all appropriations for street lamps from the general fund, and charge the same with all warrants drawn on account of street lamps.

PASSED June 25, 1857.

CHAPTER XIV.

GUNPOWDER.

An Ordinance in relation to Gunpowder.

SECTION 1. No person (except persons keeping not exceeding two pounds for their own use) shall keep, sell, or deliver gunpowder within the city, in any quantity, without a permit from the city council, signed by the mayor and city clerk, under the corporate seal, under a penalty of not less than twenty-five dollars.

SEC. 2. No person to whom any permit may be granted to keep or sell gunpowder, shall deposit or keep in store exceeding fifty pounds of gunpowder within the city, unless such gunpowder shall be kept and stored in a secure fire proof powder house or magazine built for that purpose, and located at least three hundred feet from any other occupied building, nor shall at his place of business or elsewhere within the city, keep or have on hand at one time for sale or delivery exceeding fifty pounds of gunpowder, which shall be kept in tin or other metallic canisters or cases, containing not exceeding thirteen pounds each, and in a part of the building remote from any fire, candle, lamp, or gas light, and where it can be easily removed in case of fire ; and whoever shall violate any provision of this section, shall be subject to a penalty of not less than twenty dollars in each case.

SEC. 3. No person shall sell or deliver any gunpowder, camphene, or other like explosive substance or liquid by any fire, can-

dle, or lamp light, unless in sealed cans, canisters, or cases, under a penalty of not less than three dollars.

SEC. 4. Each person to whom a permit may be granted, shall keep a sign with the words "gunpowder for sale," in plain and legible letters in some conspicuous part of the front of the building occupied by him, under a penalty of not less than three dollars for each week he shall neglect so to do.

SEC. 5. No person shall carry or convey any gunpowder, in any street, alley or other public place, in a careless or negligent manner, or in any quantity exceeding two pounds, except the same be inclosed in secure canisters, cases, or kegs, so as to prevent it from leaking or scattering, nor shall remain with the same in any street, alley, or other public place longer than is necessary for the carrying or transportation of the same from one place to another, under a penalty of not less than five dollars in each case.

SEC. 6. Whoever shall bring or cause to be brought into the city, any gunpowder concealed in any box, barrel, or other package, or any package containing gunpowder and marked or purporting to be other than gunpowder, shall be subject to a penalty of not less than twenty-five dollars.

SEC. 7. Any person keeping gunpowder in any building, shall in case of such building taking fire, or being in danger of taking fire from any burning building near or adjacent thereto, immediately cause such gunpowder to be removed; and in case he shall be unable to remove the same, he shall forthwith notify the mayor, or other officer in command at such fire, of the location and quantity of such gunpowder; and for a failure to comply with the requirements of this section, he shall be subject to a penalty of not less than twenty-five dollars.

SEC. 8. If it shall come to the knowledge of the mayor, or he has good cause to believe that any person keeps or has on hand a greater quantity of gunpowder than is authorized herein, he shall direct the marshal to examine the premises of such person, and if any greater quantity than is herein authorized to be kept, shall be found, the marshal shall remove the whole thereof, and the permit of such person, if he shall have a permit, shall be revoked and for-

feited ; and the marshal shall have power to enter any building or premises or any part thereof, for the purpose of enforcing the requirements of this section.

SEC. 9. All permits granted under the provisions hereof, shall expire on the first Monday of July in each year. No permit shall be granted to any notoriously intemperate or imprudent person. The city clerk shall be entitled to a fee of one dollar for each permit issued under the provisions hereof.

PASSED May 14, 1856.

CHAPTER XV.

HEALTH DEPARTMENT.

An Ordinance establishing and regulating the Health Department.

DIVISION I.—BOARD OF HEALTH.

SECTION 1. The city council shall annually appoint by ballot one of their number from each ward, who, with the city physician,* shall constitute the board of health. The mayor or presiding officer of the city council shall be president of the board, and shall cause all orders of the board to be executed. The city clerk shall be clerk of the board, and shall keep minutes of its proceedings in a suitable book, and issue and deliver its orders.

SEC. 2. The board of health shall hold monthly meetings at the city council chamber, and shall meet oftener if necessary. Special meetings may be called by the mayor or any member of the board, and the city marshal shall, when required by the mayor or any member, give notice of such meeting to each member of the board. A majority of the members of the board shall constitute a quorum for the transaction of business, and they may make and determine the rules of their own proceedings, and such other rules and regulations as may be necessary to execute their powers and duties. If any member of the board from any ward, from sickness, absence, or other cause, shall

* Amended, see Ordinance, Post III.

be unable to attend any meeting of the board, the alderman from such ward then being in the city having the oldest commission, shall attend such meeting and be temporarily member of the board.

SEC. 3. The board of health shall exercise a general supervision over the public health of the city, and shall make diligent examination and inquiry into all matters affecting the same, and shall cause all nuisances to be abated or removed which they may deem prejudicial or obnoxious to the public health or comfort, and may make such sanitary regulations as they may deem expedient or necessary to preserve and promote the same, or to prevent the introduction or spreading of any contagious, malignant, infectious, or pestilential disease.

SEC. 4. All orders of the board of health shall be certified by the clerk, and the mayor shall cause them to be executed by delivery thereof to the city supervisor, the marshal, or any police constable, who shall execute all orders of the board of health or of the city council pertaining to the public health or the sanitary condition of the city.

SEC. 5. All persons shall obey the orders and directions of the board of health, and any member of the board may order the abatement of any nuisance contrary to any ordinance of the city which may be prejudicial to the public health; and whoever shall neglect or refuse to obey any order of the board, or of any member thereof, as herein required, shall be subject to a penalty of not less than three dollars.

SEC. 6. The city physician shall visit all persons who may be reported to him to have or be supposed to have any infectious, contagious, or pestilential disease, and report his opinion of the disease of such person, without delay, to the clerk of the board of health or to the mayor.

SEC. 7. The board of health may cause any person having any infectious, contagious, or pestilential disease, with his consent, if a resident of the city, to be removed to such safe, retired and proper place as may be deemed best, not exceeding five miles from the city, and shall provide suitable nurses and other attendance for such person, at his expense if able to pay for the same, and if not,

at the expense of the city. But if any such person, being a resident of the city, shall refuse to be removed, or his condition is such that, in the opinion of the city physician, removal would be attended with danger to his life, such measures shall be taken as may be deemed advisable and best to prevent the spreading of the contagion. If any such person shall have the small pox, or other like malignant and infectious disease, the board of health may require notices with the words "small pox here," in large letters, to be posted up in conspicuous places on the house or premises by the occupant thereof, who shall cause such notices to be placed and kept up as long as shall be directed by the board, and upon his failure to do so, he shall be subject to a penalty of not less than ten dollars for each day he shall so fail to place and keep up such notices.

SEC. 8. Any person having or having had the small pox or other like malignant and infectious disease, who shall go about in any public place, before, in the opinion of the city physician, he shall be in no danger of giving the disease to others, shall be subject to a penalty of not less than twenty-five dollars. Any person attending, or being about any other person having the small pox or other like infectious disease, who shall not change or purify his wearing apparel before going into any public place, or who shall otherwise so conduct himself as to endanger the spreading of the disease or the giving it to others, shall be subject to a penalty of not less than twenty-five dollars.

SEC. 9. The board of health, when the sanitary condition or preservation of the public health of the city shall render it necessary, may authorize the members of the board to execute any of the powers and duties herein required of the supervisor, the marshal, and police constables, and may appoint or employ such officers or servants, and establish such temporary hospitals and provide such necessities therefor as the public exigency may require. They shall see that all officers, or persons employed by them discharge their duties. All expenditures incurred by the board of health shall be reported to the city council for allowance, and the city clerk shall keep an account of all disbursements made on account of the health department.

SEC. 10. The board of health may cause any wearing apparel, bedding, or furniture, which they may deem infectious or to endanger the public health of the city, to be removed not exceeding five miles from the city, or destroyed, but before destroying the same, they shall, if practicable, cause an invoice and appraisal to be made thereof, in order to make just compensation therefor.

SEC. 11. The board of health, the members thereof, the supervisor, the marshal, and police constables shall at all times, cause all nuisances which they may find, or which may be reported to them, to be abated, removed or remedied. Any member of the board of health, the supervisor, the marshal, or any police constable may at all times during the day time, enter all premises and examine all parts thereof and cause all nuisances found thereon to be abated, remedied, or removed in such manner as he shall direct.

SEC. 12. Any person practicing physic who shall have any patient in the city laboring under any contagious, infectious or pestilential disease, shall forthwith make report thereof, in writing, to the clerk of the board of health, describing the locality of such patient so that he may be easily found, and, upon failure to do so, shall be subject to a penalty of fifty dollars.

DIVISION II.—CITY PHYSICIAN.*

SECTION 1. There shall annually be appointed by the city council a city physician, who shall be a regular and experienced practitioner of medicine.

SEC. 2. The city physician shall have and exercise a general supervision over the sanitary condition of the city, and shall report to the mayor or board of health, all nuisances, the prevalence of any contagious, infectious, or pestilential disease, or any other causes which may be or are likely to be detrimental to the general health of the city.

SEC. 3. He shall keep at all times a supply of good and genuine vaccine matter and shall see that all persons, so far as it may

* Repealed, see Ordinance, Post III.

be in his power, are properly vaccinated, especially those in the vicinity of any person having the small pox.

SEC. 4. He shall, when required by the mayor or other proper authority, examine all city paupers or city prisoners confined in the city prison or county jail, or such other persons as may become chargeable to the city, and if necessary shall prescribe for, attend to, and visit such persons, or render them such other professional services as they may severally require, and may discharge them when they shall no longer require medical aid.

SEC. 5. He shall furnish, at his own expense, all medicines and other articles which may be necessary for the skillful and proper treatment of city patients, and which shall be pure and of good quality.

SEC. 6. He shall, on the first Monday of each month, report to the city council the names, disease, and condition of all city patients on hand, and the names of those discharged during the preceding month, and such other matters and things as he may deem proper or as may be required by the city council.

SEC. 7. He shall receive an annual salary of two hundred dollars in full for all his services, and in case of his being unable to attend to his duties from sickness, absence, or other unavoidable cause, he shall, with the concurrence of the mayor, and at his own expense, provide some competent physician to act in his place.

PASSED May 14, 1856.

DIVISION III.—SUPPLEMENTAL ORDINANCE.

An Ordinance amendatory of an Ordinance, entitled "An Ordinance establishing and regulating the Health Department."

SECTION 1. Division two (II), of an Ordinance entitled "An Ordinance establishing and regulating the Health Department," and so much of Section one of Division one (I) of said Ordinance, as requires the city physician to be a member of the board of health, be and the same are hereby repealed. The term "city physician," where the same occurs elsewhere in Division one (I)

of said Ordinance, shall be construed to mean such regular and experienced physician as may be designated or employed from time to time by the board of health.

PASSED September 17, 1857.

CHAPTER XVI.

HORSES, HOGS, ETC.

An Ordinance in relation to Horses and other Animals.

SECTION 1. No horse, mule, ass, sheep, goat, swine, or goose, or any such animals, shall run at large in the inhabited part of the city at any time; and the owner or keeper of any such animals, knowingly suffering or permitting them to run at large shall be subject to a penalty of not less than three dollars.

SEC. 2. The city marshal and police constables shall take up all such animals found running at large in the inhabited part of the city, and confine them in some secure pen, pound, or other place to be provided for that purpose by the marshal, and the officer taking up or impounding any animals shall provide at his own cost suitable and necessary sustenance for them, and the reasonable cost of providing such sustenance shall be paid to the officer before the animal shall be released by him.

SEC. 3. Any animals taken up and impounded under the provisions hereof may be sold at public sale by the city marshal at any time after the expiration of three days from the time of being taken up. The city marshal shall personally attend to all selling of animals, and shall give three days' previous notice of the time and place of any such sale by causing written or printed, or partly written and partly printed advertisements to be posted up at the front of the county court house, at the post office, and at the office of the city clerk, describing such animals by their colors and marks, or brands, if any, and if he shall not give notice as is herein required, shall be subject to a penalty of not less than five dollars.

SEC. 4. The marshal and police constables may charge and receive for their fees for taking up and impounding each horse, mule, or ass, fifty cents; for each swine (other than suckling pigs,) goat, or sheep, twenty-five cents, and for each suckling pig or goose five cents—and for selling each horse, mule, or ass, fifty cents, for each swine (other than suckling pigs,) goat, or sheep, twenty-five cents, and for each suckling pig or goose five cents, and for providing suitable sustenance for each horse, mule, or ass, not exceeding forty cents; for each head of sheep, goats, or swine (except suckling pigs,) not exceeding fifteen cents, and for each goose not exceeding five cents, for each twenty-four hours the same may be kept; but if any person shall apply and pay the officer's fees, and costs of sustenance and impounding, at any time before sale of such animals, they shall be released by the officer.

SEC. 5. An accurate account shall be kept by the marshal of all animals sold by him, and all moneys received by him for the sale of such animals, after deducting therefrom and paying the fees and costs of impounding, sale, and sustenance, and twenty cents for each animal sold, (except geese and suckling pigs,) as the pound fee of the officer entitled thereto, shall, without delay, be paid as a special deposit, into the city treasury, and the treasurer shall receipt for the same, and shall keep a separate account thereof. If the owner of any animal having been sold, shall apply to the marshal and prove the ownership thereof to his satisfaction before payment into the treasury, he shall pay the balance due from the sale of such animal to such applicant, taking his receipt therefor. But if the owner of any animal sold, shall apply to the marshal after the payment into the treasury, and prove the ownership thereof to his satisfaction, then he shall certify the facts to the city clerk with the amount deposited in the treasury on account of such animal, and the clerk may draw his warrant on the treasurer in favor of such claimant, for such amount as may be certified by the marshal, payable out of such special deposit or fund, and he shall file and preserve the certificate of the marshal.

SEC. 6. If at any sale of animals under the provisions hereof, no person shall bid the whole amount of costs for taking up, keeping, and selling of such animals, the marshal or any police consta-

ble may, for himself, bid thereon the amount of his costs and charges, and no person bidding more, they may be struck off to him as in other cases.

SEC. 7. The city marshal and police constables in the execution of the powers and duties herein conferred and required, may, at their own cost and responsibility, employ all necessary assistants; and whoever shall hinder, delay, resist, or obstruct any such officer or his assistants, in the discharge of any of the duties herein required, or shall aid or abet the same, shall be subject to a penalty of not less than five dollars in each case.

SEC. 8. Whoever shall break open any pen, pound, or other inclosure in which any animals may be confined or kept under the requirements hereof, or shall directly or indirectly aid or abet the same, or the escape of any such animals, shall be subject to a penalty of not less than five dollars.

SEC. 9. Whoever shall willfully drive or entice any animal from beyond the inhabited part of the city into the same, or shall aid or abet the same, or shall let any animal out of any inclosure in which it may be confined, or aid or abet in the letting out or escape thereof, in order to take up or impound the same, shall be subject to a penalty of not less than five dollars in each case.

SEC. 10. Whoever shall knowingly suffer or permit any dangerous, unruly, or mischievous animal, owned or kept by him, to go at large in the city to the danger, annoyance, or damage of any person within the city, shall be subject to a penalty of not less than five dollars for the first offense, and not less than ten dollars for each subsequent offense.

SEC. 11. If the city marshal or any police constable shall neglect or refuse to take up and impound any animal known by him to be running at large contrary to the ordinances of the city, he shall, in each case, be subject to a penalty of not less than five dollars for such neglect of duty.

PASSED May 14, 1856.

CHAPTER XVII.

LICENSES.

An Ordinance in relation to Licenses.

DIVISION I.—LICENSES IN GENERAL.

SECTION 1. The mayor may receive applications for licenses, and grant the same in all cases where it is not otherwise expressly provided, upon the terms and conditions specified by ordinance. But if he shall not feel authorized to grant any application for a license for any purpose, he may report such application to the next meeting of the city council for their action thereon.

SEC. 2. Any person desiring a license under the ordinances of the city, for any purpose, shall make a written application to the mayor therefor, stating the purpose for which the same is desired, for what length of time, and specifying the place where his business is to be carried on, and if required by ordinance to file bond, before being licensed, he shall also name his proposed sureties on his bond in his application. If the mayor shall grant such application, he shall indorse the same thereon, together with the amount taxed for the license; and upon the filing of the application so indorsed with the city clerk and the payment of the sum specified, the clerk shall issue to such applicant a license for the purpose and time specified.

SEC. 3. No license shall be granted for a longer period than one year, and all licenses shall be signed by the mayor, and countersigned by the city clerk under the corporate seal. No license shall be valid until signed and countersigned as aforesaid, nor shall any person be deemed licensed until a license shall be duly issued to him. Each license shall be dated the day of the issuing thereof, but if the applicant has been acting without license, then it shall be dated from the time he so commenced acting.

SEC. 4. All licenses granted, shall be subject to all ordinances in relation to licenses which may be in force at the time of the issuing thereof, or which may be subsequently passed by the city

council; and if any person licensed shall violate any provision of any ordinance in relation to his license, he may be proceeded against for any fine or penalty imposed thereby, and his license may be revoked or forfeited in the discretion of the city council, or of the court or magistrate before whom any action may be brought for the recovery of any fine or penalty.

SEC. 5. No license granted shall be assignable or transferable; nor shall any person be authorized to do business or act under such license, but the person to whom it is granted, or any other place than the place specified therein, without the consent of the city council, to be certified on such license by the city clerk. Nor shall any license authorize any person to act under it at more than one place at the same time, or at any other time than is therein specified. Whoever shall violate any provision of this section shall be deemed to be acting without license, and shall be subject to the same penalty as is prescribed for acting without license.

SEC. 6. The city clerk shall keep a license register, in which he shall enter the name of each person licensed, for what purpose licensed, the place of business, the date of the license, the amount paid, and the date of expiration of the same. He shall pay into the city treasury on the first Monday of each month, all moneys received by him on account of licenses, and shall quarterly, on the first Mondays of April, July, October and January, in each year, report to the city council an abstract of all licenses granted since his preceding report, with the amount taxed and received for the same. He may charge and receive a fee of one dollar for each license issued by him, and a fee of fifty cents for certifying the consent of the city council to the assignment, transfer, or change of place of business of any license.

SEC. 7. Licenses may be issued as near as may be in the following form, to wit:

A. B., mayor of the city of Springfield, To all whom these presents shall come, greeting: Know ye that C. D. having made application in due form (filed bond,) paid into the city treasury ——— dollars, and in all other respects complied with the ordinances of

the city in this behalf; Therefore, I, A. B., mayor of the city of Springfield, for and in behalf of the people of said city, do hereby authorize, empower, and license the said C. D., (here set forth the business or purpose of the license,) at ——— for ——— from ———.

Nevertheless, this license is granted upon this express condition: that if the said C. D. shall observe and obey all ordinances of the city which are or may be in force regulating or relating to his said business, then this license shall be valid for the period aforesaid; otherwise it may be annulled, revoked, or forfeited at the option of the city council, or in any other manner provided by ordinance.

In testimony whereof, I have hereunto set my hand and caused the corporate seal of said city to be affixed at the mayor's office in said city of Springfield, this ——— day of ———, A. D., 185—.

Countersigned and registered.

A. B., Mayor.

E. F., City Clerk.

SEC. 8. The city marshal shall enforce all ordinances in relation to licenses, and shall, from time to time, examine the license register, and prosecute all persons who may be acting without license, and shall collect from them the sum which may be taxed for their license; and he shall be entitled to a commission of one dollar for each license so collected by him, to be paid by the person to be licensed; and his receipt shall be good to the extent and purport thereof; but no person shall be considered as licensed, until license shall be issued in due form as required by ordinance.

DIVISION II.—AUCTIONEERS.*

SECTION 1. No person shall pursue the business of an auctioneer, or sell goods or property at auction, except under legal

* See State Constitution, Art. IX, Sec. 2. The license law, chapter 64 Rev. Stat., 1845, does not conflict with that provision of the Constitution requiring all taxation to be by valuation and uniform. *People vs. Thurber*, 13 Ills. Rep., 554. See also *Sawyer vs. Alton*, 3 Sam. Rep. 130. The 23d Section of said act which requires the agent of any foreign insurance company to pay three per cent upon the amount of all premiums received by him into the county treasury, is constitutional. *Same case*.

process, without a license therefor, under a penalty of not less than five dollars for each sale made.

SEC. 2. For a license to pursue the business of an auctioneer, or to sell goods or property at auction, there shall be taxed and collected thirty dollars for six months, and fifty dollars for one year.

SEC. 3. Before a license shall be issued to any person to pursue the business of an auctioneer, or to sell goods or property at auction, he shall file bond in the sum of three thousand dollars, with two or more sureties to be approved by the mayor, and conditioned for the prompt payment of all moneys, and the delivery of all goods that may come into his hands in his business, to the person entitled to receive the same; and which bond may be sued on in the name of the city, by any person damaged by a breach of its conditions.

DIVISION III.—BILLIARD ROOMS AND BALL ALLEYS.

SECTION 1. No person shall keep any billiard table, or a ball or pin alley, to be used or played upon by others for hire or gain, without a license therefor, under a penalty of not less than five dollars for each person who may be permitted to play thereon for hire or gain.

SEC. 2. There shall be taxed and collected for a license to keep billiard tables for one year, twenty-five dollars for one table, forty dollars for two tables, and fifteen dollars for each additional table. There shall be taxed and collected for a license to keep a pin or ball alley for one year, twenty-five dollars for one alley, forty dollars for two alleys, and fifteen dollars for each additional alley.

SEC. 3. No keeper of a billiard table, or ball or pin alley, shall suffer or permit any minor to frequent or loiter about the premises occupied by him, or to play or roll upon his table or alley without the previous consent of the parent, master or guardian of such minor; nor shall sell or deliver any intoxicating liquors contrary to the ordinances of the city, nor shall suffer or permit any riotous, noisy or disorderly conduct upon the premises occupied by him to the disturbance or annoyance of the neighborhood, under a pen-

alty of not less than twenty-five dollars and a forfeiture of his license.

DIVISION IV.—BROKERS, INNKEEPERS, AND ORDINARIES.

SECTION 1. No person shall pursue or carry on the business of dealing in, or buying, selling, discounting, or what is commonly known as shaving of, bills of exchange, checks, drafts, bank notes, promissory notes, bonds, or other writings obligatory, or in buying or procuring of gold and silver coin to dispose of the same for gain or a premium, without a license therefor, under a penalty of not less than fifty dollars.

SEC. 2. Before any license shall be granted to any person applying therefor as a money, stock, or exchange broker, he shall file with the city clerk a statement, under oath, if required, showing the amount of capital invested, the amount of business transacted during the previous year, and the profits of such business; or if he shall not have been engaged in business, his statement shall show the amount of capital he proposes to invest, the amount of business reasonably expected to be transacted, and the supposed profits of such business, and the city council shall assess for such license, such a sum as may be deemed a reasonable tax upon such business and the profits thereof; but the tax assessed for a license shall not be less than twenty-five dollars, nor exceeding three hundred dollars for one year.

SEC. 3. No person shall pursue the business of a real estate broker without a license therefor, under a penalty of not less than twenty-five dollars. A real estate broker shall be deemed any person who is engaged in the business of selling, or in negotiating the sale or purchase of real estate belonging to others, for a commission or other compensation. There shall be taxed by the city council and collected for a license to pursue the business of a real estate broker, not less than ten, and not exceeding one hundred dollars for one year.

SEC. 4. No person shall carry on or pursue the business of an innkeeper, without a license therefor, under a penalty of not less

than twenty-five dollars. An innkeeper shall be deemed any person who keeps a house of public entertainment, and for a compensation furnishes lodging, or provisions, or both, to travelers and others. There shall be taxed by the city council, and collected, for a license to pursue the business of an innkeeper not less than ten, and not exceeding one hundred dollars for one year.

SEC. 5. No person shall own, keep, or conduct an ordinary without a license therefor, under a penalty of not less than ten dollars. An ordinary shall be deemed any eating house, or other place where any kind of food or eatable is sold to be eaten at the place of sale. There shall be taxed by the city council and collected, for a license to keep an ordinary, not less than five and not exceeding fifty dollars for one year.

DIVISION V.—EXHIBITIONS, SHOWS, AND AMUSEMENTS.

SECTION 1. No person shall give or exhibit any theatrical or other exhibition, show, or amusement, where money is charged for admission thereto, without a license therefor, under a penalty of not less than double the amount herein assessed and taxed for such license.

SEC. 2. For fairs, or lectures given before any society, or concerts, or other exhibitions or amusements given exclusively by citizens of the city, no license shall be required; and when any exhibition or amusement for which license is required, shall be given for any charitable or benevolent purpose, the amount of the license shall be appropriated to such object by the mayor.

SEC. 3. For a license for the exhibition of any circus, menagerie, or other like exhibition, there shall be taxed and collected, not less than fifty dollars for two exhibitions or less, and not less than twenty-five dollars for each exhibition thereafter; not including side shows or other exhibitions traveling therewith or attached thereto, which shall be taxed for a license not less than two dollars each. For a license for any other exhibition, show or amusement, there shall be taxed and collected not less than three dollars for

any single exhibition, and not less than two dollars for each exhibition thereafter.*

SEC. 4. Any person giving or conducting any exhibition, show, or amusement, shall preserve good order in and about his place of exhibition or amusement, and if necessary for that purpose shall employ, at his own expense, a sufficient police force.

SEC. 5. Any person who shall conduct himself in a riotous or disorderly manner at any place of exhibition or amusement, shall be subject to a penalty of not less than three dollars. And if any person belonging to or connected with any such show or exhibition shall conduct himself in a riotous or disorderly manner, or cause any disturbance or breach of the peace at the place of exhibition, the license of such show or exhibition may be revoked or forfeited in the discretion of the mayor or any police magistrate, and no license shall at any time thereafter be granted for such exhibition, unless for good cause shown, with the consent of the city council.

DIVISION VI.—PEDDLERS.

SECTION 1. No person shall hawk or peddle any merchandise or other article of value in the city, without a license therefor, under a penalty of not less than five dollars.

SEC. 2. All sales of goods or merchandise made by persons remaining transiently in the city for the purpose of selling or disposing of the same by retail, or by persons travelling or going about from one place to another with goods or merchandise, and selling or disposing of the same by retail, whether in any temporary place of business or otherwise, shall be deemed peddling under the provisions hereof.

SEC. 3. For a license to hawk or peddle, there shall be taxed and collected, not less than three dollars for two weeks or less, not less than five dollars for one month or less, and not less than three dollars for each month thereafter. No license shall be required

* Amended, see Ordinance, Post II.

for peddling or vending of marketing, vegetables, fruit, cakes, nuts, or other like refreshments.

SEC. 4. No peddler shall enter any private dwelling in this city without being admitted into the same, or shall insist upon the showing or sale of his goods or wares to any person after being told by such person that he or she does not wish to purchase the same, or shall otherwise vex or annoy any person under a penalty of not less than three dollars and the forfeiture of his license in the discretion of the city council, or of the police magistrate or other court before whom conviction may be had; and at no time thereafter shall he be licensed, unless for good cause shown, the city council shall remove his disability.

DIVISION VII.—WAGONS AND DRAYS.

SECTION 1. No person shall pursue the occupation of carrying goods or property for hire in any vehicle from one place to another within the city, or shall keep, own, or use any dray, wagon, or other vehicle for the purpose of carrying articles or property for hire from one place to another within the city, without a license therefor, under a penalty of three dollars for each load or parcel so carried without license.

SEC. 2. For a license to pursue the business or occupation of carrying goods or property for hire upon a dray, wagon, or other like vehicle within the city, there shall be taxed and collected six dollars upon each for six months, and ten dollars for one year.

SEC. 3. For wagons or other vehicles kept or used by merchants, lumber men, or other persons, for the delivery without charge of articles or property sold by them, or for the carrying of their own property, or the accommodation of their own business, or for the hauling of earth or building material, or for hauling without and beyond the city, or by hotel keepers for the delivery without charge of the baggage of their guests, no license shall be required.

SEC. 4. No wagon or dray license shall be issued to any minor

or non-resident of the city. Before any wagon or dray license shall be issued to any person, he shall execute bond to the city in the sum of three hundred dollars, with one or more sureties to be approved by the mayor, conditioned that he will promptly deliver all property entrusted to him or to his servants to be carried, and pay all damages caused by the negligence of himself or his servants in the carrying of any property. The bond may be sued on in the name of the city, by any person damaged by a breach of its conditions.

SEC. 5. The city clerk shall write in the license and indorse thereon the number or other designation of the dray or other vehicle, and register the same; and the person licensed shall cause such number or designation to be at all times conspicuously and legibly painted or affixed on the outside of the bed or shaft thereof, under a penalty of one dollar for each day such dray or other vehicle may be used without being numbered or designated as is herein required.

SEC. 6. Any drayman or other person licensed, may charge and receive not exceeding fifteen cents for each load carried the distance of ten blocks or less, and not exceeding twenty-five cents for each load carried to any place within the city exceeding the distance of ten blocks.* For each load carried in a two-horse wagon, not exceeding twenty-five cents may be charged for any distance not exceeding ten blocks, and not exceeding thirty-five cents for any distance within the city exceeding ten blocks. For each load carried in a furniture car or furniture wagon, not exceeding thirty-five cents may be charged for any distance within the city.

SEC. 7. No drayman or other person so licensed, or hack or omnibus driver, shall at any railroad station or elsewhere, conduct himself in a riotous or disorderly manner, or use indecent, profane, or abusive language toward any person, or unnecessarily snap or flourish his whip, or otherwise vex or annoy any traveler or other person, or obstruct any side walk, street or alley crossing, street,

* Amended, see Ordinance, Post III.

or other public passage, under a penalty of not less than three dollars in each case.

SEC. 8. No drayman or other person so licensed under the provisions hereof, shall, when requested, unless actually employed at the time, refuse to carry any article or load, or shall charge any greater sum than is herein specified for the carriage of any load, under a penalty of three dollars in each case.

SEC. 9. No owner or driver of any wagon, dray, or other vehicle shall make a permanent stand or place of stopping in front of any premises without the consent of the owner or occupant of the same, under a penalty of three dollars.

SEC. 10. The city marshal shall designate stands for licensed drays or other vehicles, or for omnibusses or carriages belonging to any hotel, upon any street at or adjacent to the railroad depots or stations within the city, while waiting for the arrival or departure of passenger trains; and any person who shall occupy any other stand than the one allotted to him while any passenger train may be standing at any depot or station, shall be subject to a penalty of three dollars.

SEC. 11. Each person licensed under the provisions hereof, shall, at all times, keep a certified copy of the sixth section hereof, and shall produce the same for the inspection of any person employing him who shall demand the same, under a penalty of three dollars; and if any such person shall exhibit or produce to any person employing him a false copy thereof, he shall be subject to a penalty of twenty-five dollars.

PASSED May 14, 1856.

An Ordinance amendatory of an Ordinance, entitled "An Ordinance in relation to Licenses."

II.

SECTION 1. Section three of Division five, of an Ordinance entitled "an Ordinance in relation to licenses," be and the same is hereby so amended, that for a license for the exhibition of any theatrical, or other exhibition, show, or amusement, except for a circus, menagerie, or other like exhibition, there shall be taxed

and collected not less than one dollar for each exhibition. *Provided*: A license is taken out for thirty days or a longer period: but when there is a license taken out for any time less than thirty days, three dollars shall be taxed and collected for a single exhibition, and two dollars for each exhibition thereafter.

PASSED February 9, 1857.

An Ordinance amendatory of "an Ordinance licensing and regulating wagons, carts, and drays."

III.

SECTION 1. The Ordinance licensing and regulating wagons, carts, and drays, be so amended as to allow draymen, instead of the former rates, the following, viz: For hauling each load a distance of two blocks or less, fifteen cents; and beyond two and not exceeding eight blocks, twenty cents; and beyond eight blocks and within the city limits, thirty cents. Any thing in the said Ordinance inconsistent with this amendment is hereby repealed.

SEC. 2. This amendment to take effect from and after the first day of October, 1857.

PASSED September 7, 1857.

CHAPTER XVIII.

LIQUORS.*

An Ordinance regulating the sale of Intoxicating Liquors.

SECTION 1. No person shall, within the city, by himself, his servant, or clerk, (except for purposes purely medicinal, mechanical, or sacramental,) barter, sell, exchange or deliver, or otherwise dispose of for money or gain or any thing of value, or any check or other thing representing or intended to represent any money, or

* A municipal corporation with power to declare what shall be deemed a nuisance etc., may by Ordinance, declare the selling of intoxicating liquors a nuisance, and impose penalties for a violation of such ordinance. *Goddard vs. Jacksonville*, 15 Ills. Rep. 588.

other thing of value, any vinous, spirituous, fermented, mixed, malt, or other intoxicating liquor whatever, in a less quantity than one gallon, to be carried away at one time from the place of sale or delivery without a license therefor, in accordance with the requirements hereof, under a penalty of not less than twenty-five dollars for each offense.

SEC. 2. The city council may in their discretion, grant license for one year, to such person or persons as may apply therefor, to retail liquors in any quantity less than one gallon, upon such person or persons paying into the city treasury the sum of three hundred dollars, and entering into bond in the manner required in the fifth section hereof.

SEC. 3. *The city council may also in their discretion, grant license for one year, to such person or persons as may apply therefor, to retail malt liquors only, in any quantity less than one gallon, upon such person or persons paying into the city treasury the sum of one hundred dollars, and entering into bond in the manner required in the fifth section hereof.

SEC. 4. Any person licensed under the provisions of the preceding section who shall sell, barter, exchange, or deliver for money or gain, or any thing of value, or for any check or other thing representing or intended to represent any money or other thing of value, any vinous, spirituous, mixed, fermented, or other intoxicating liquors or beverage whatever, (except malt liquors,) or who shall suffer or permit any such liquor or beverage to be used or drank upon the premises, or in any place adjacent thereto under his control, shall be subject to a penalty of not less than fifty dollars in each case for each offense.

SEC. 5. Before a license shall be issued to any person to retail liquors under the provisions hereof, such person shall execute bond to the city of Springfield in the sum of one thousand dollars, liquidated damages, signed by at least two freeholders of the city, each to the value of the penalty of the bond at least, as sureties to be approved by the city council, and conditioned that the person to whom such license is granted, shall observe and obey all laws and

ordinances now in force, or such as may hereafter be in force regulating and governing retailers of liquors.* Such bond shall be executed in the presence of the mayor and filed in the office of the clerk, and any breach of its conditions shall work a forfeiture of the whole penalty thereof, the amount of which shall be recovered before any court having jurisdiction.

SEC. 6. No retailer of liquors licensed under the provisions hereof, shall by himself, his servant, or clerk, suffer or permit any person to drink to excess or drunkenness in his premises, nor shall suffer or permit any species of gaming in any part thereof, or in any place adjacent thereto under his control, under a penalty of not less than twenty-five dollars in each case.

SEC. 7. No retailer of liquors licensed under the provisions hereof shall on Sunday keep open, or suffer or permit to be kept open any part of his place of business, nor shall on Sunday in any manner sell or deliver any intoxicating or malt liquors or beverage whatever, or suffer or permit any such liquors or beverage to be used or drank at his place of business, or in any place adjacent thereto under his control, nor shall on Sunday admit any person into his place of business not belonging thereto or connected therewith, under a penalty of not less than twenty-five dollars in each case.

SEC. 8. No retailer of liquors shall keep open or suffer to be kept open his place of business at a later hour than eleven o'clock, P. M., nor shall suffer any person not belonging thereto or connected therewith, to remain in any part thereof after that hour, under a penalty of not less than five dollars in each case.

SEC. 9. No retailer of liquors licensed under the provisions hereof, shall employ any minor as a servant or clerk in his business; nor shall in any manner sell, give, or deliver, any intoxicating or malt liquor or beverage whatever, to any minor or intoxicated person, nor shall harbor, or entice or suffer any minor or intoxicated person to remain or loiter in or about his place of business, under a penalty of not less than ten dollars in each case.

* Amended, see Ordinance, Post III.

SEC. 10. Each retailer of liquors licensed under the provisions hereof, shall, without delay, notify any minor or intoxicated person who may frequent or loiter in or about his place of business, to leave and quit the same, and if he shall neglect or refuse to do so, such retailer may arrest him and take him before any police magistrate, or may deliver him into the custody of the marshal or any police constable, to be by him retained in custody until he can be brought before a competent court or magistrate, or he may make complaint before any police magistrate and cause such minor or intoxicated person to be arrested and prosecuted, and no minor or intoxicated person shall frequent or loiter in or about any grocery or other place where intoxicating or malt liquors are sold by retail, after being notified or requested by the owner or keeper thereof, or any police officer to leave or quit the same, under a penalty of not less than five dollars.

SEC. 11. No retailer of liquors licensed under the provisions hereof, nor any other person shall sell, give, or deliver any intoxicating or malt liquors or beverage whatever, to any habitual drunkard or habitually intoxicated person, after being notified by the wife, parent, or other relative of such person that he is an habitual drunkard, or habitually intoxicated person, and requesting such retailer or other person not to sell, give, or deliver him any such liquors or beverage, under a penalty of not less than twenty-five dollars.

SEC. 12. No retailer of liquors licensed under the provisions hereof, shall suffer any loud and boisterous talking, or obscene or profane language, quarreling, singing, fighting, or other disturbance, in or about his place of business, or in any place adjacent thereto under his control, to the annoyance or disturbance of persons passing along any street, or public place in the vicinity thereof, or to the disturbance of the peace and quiet of persons doing business, or residing in the neighborhood thereof, under a penalty of not less than five dollars for each offense.

SEC. 13. Whoever shall make any such noise or disturbance mentioned in the preceding section, or shall speak any profane, indecent, insulting, or obscene language in any public place loud

enough to be overheard by persons passing, and in the presence of or while any female may be near enough to be likely to hear the same, shall be subject to a penalty of not less than five dollars in each case.

SEC. 14. Any retailer of liquors is hereby authorized to arrest any person making any disturbance, or violating the provisions hereof in his house or premises, and take such person before any police magistrate, or deliver him into the custody of the marshal or any police constable, to be by him retained in custody until can he brought before a competent court or magistrate, or he may make complaint before any police magistrate and cause such person to be arrested and prosecuted.

SEC. 15. The city council may in their discretion grant license for one year to such person or persons as may apply therefor, to retail liquors in any quantity not less than one pint, and that to be carried away all at one time from the place of sale, upon such person or persons paying into the city treasury the sum of one hundred dollars for one year, and entering into bond in the manner required in the fifth section hereof.

SEC. 16. No person licensed under the provisions of the preceding section, shall, by himself, his servant, or clerk, suffer any intoxicating or malt liquors to be used or drank as a beverage in his place of business, or in any premises under his control, near or adjacent thereto, by the person purchasing the same or others, under a penalty of not less than twenty-five dollars for each offense.

SEC. 17. Upon a second conviction for a violation of any of the provisions hereof, in addition to the penalty imposed, the license of the offender shall be forfeited, and the court or magistrate before whom conviction shall be had, shall enter, as part of the judgment on such second conviction, a forfeiture of the license of the offender, if licensed.

SEC. 18. If any retailer of liquors shall violate any of the provisions of the seventh and eight sections hereof, the city marshal or any police constable may enter and close his place of business and keep it closed until the next morning, and may take possession

of the keys or fastenings thereof, and shall have power to turn out all persons found therein not belonging to the premises, and all offenders shall be prosecuted before any police magistrate or other competent court, and shall be subject to the penalties prescribed in the preceding sections hereof.

SEC. 19. The city marshal and police constables shall see that the provisions hereof are strictly observed and enforced, and shall prosecute all violations of the same, and in their default, any person may make the proper complaint of such violation before any police magistrate and have the offender prosecuted as in other cases. And it shall be the duty of the city marshal and all police constables, at all times to arrest or cause to be arrested and prosecuted, without delay, all persons who may be found intoxicated or riotous in any public place.

SEC. 20. All subterfuges and evasions for the purpose of avoiding the requirements or provisions hereof, are hereby declared to be within the meaning and intent and shall be deemed violations thereof.

SEC. 21. Every retailer of liquors licensed under the provisions of the second and third sections hereof, shall keep a copy of this ordinance posted up in some conspicuous place in his place of business.

SEC. 22. This ordinance shall be in force from and after its due publication, and all ordinances contrary to the provisions hereof are hereby repealed. But no fine, forfeiture, penalty, right, action, suit, debt, or other liability whatsoever, created, instituted, incurred, or accrued, by or under any ordinance heretofore passed in relation to intoxicating liquors, shall be released, discharged, annulled, repealed, or in any wise affected, but the same may be prosecuted, recovered, or enjoyed, or any suit or other proceeding be commenced or completed thereon as fully and in the same manner in all respects as if such ordinance had remained in full force.

PASSED May 26, 1856.

An Ordinance amendatory to "an Ordinance regulating the sale of Intoxicating Liquors."

II.

SECTION 1. So much of the ordinance authorising the retail of spirituous, vinous, and malt liquors as authorises the sale of malt liquors, upon the payment of an annual license fee of one hundred dollars, be and the same is hereby repealed: *Provided however*, That this ordinance shall not invalidate any such license now granted, and in force one year from the date of its issue.

PASSED June 1, 1857.

An Ordinance amendatory of an Ordinance entitled "an Ordinance regulating the sale of Intoxicating Liquors."

III.

SECTION 1. Section five, of an ordinance entitled "an ordinance regulating the sale of intoxicating liquors," be so amended that the bond therein required to be executed, may also be executed in the presence of the city clerk, and when so executed, such bond shall have the same effect and validity, as when executed in the presence of the mayor.

PASSED September 17, 1857.

CHAPTER XIX.

MISDEMEANORS.

An Ordinance concerning Misdemeanors.

DIVISION I.—OF OFFENSES AFFECTING THE PUBLIC PEACE,
MORALS, AND SAFETY.

SECTION 1. Any two or more persons who shall assemble for the purpose of disturbing the peace, or of committing any unlawful act, and who shall not disperse when commanded or requested by any peace officer, shall each severally be subject to a penalty of not less than three dollars.

SEC. 2. Whoever shall assault, strike, or fight another, or shall be guilty of any conduct calculated to provoke a breach of the peace, shall be subject to a penalty of not less than three dollars.

SEC. 3. Whoever shall disturb the peace ; or shall be guilty of any violent, tumultuous, offensive, or disorderly conduct ; or shall make any loud or unusual noise or disturbance ; or shall use obscene, offensive, profane, or unseemly language ; to the annoyance, disturbance, or vexation of others, shall be subject to a penalty of not less than three dollars.

SEC. 4. Whoever shall knowingly suffer or permit any assemblage for the purpose of disturbing the peace, or of committing any unlawful act, or any breach of the peace, or any riotous, tumultuous, offensive, or disorderly conduct, or any loud or unusual noise or disturbance, or obscene, offensive, profane, or unseemly language, to the annoyance, disturbance, or vexation of others, in or upon any premises owned or occupied by him under his control, shall be subject to a penalty of not less than three dollars.

SEC. 5. Whoever shall abet or encourage any unlawful act, or any violation of any ordinance of the city, shall be subject to a penalty of not less than three dollars.

SEC. 6. Whoever shall willfully or heedlessly disturb any assembly of persons met together for religious worship, shall be subject to a penalty of not less than five dollars.

SEC. 7. Whoever shall willfully or heedlessly disturb any lawful assemblage of persons ; or shall, on the Sabbath day, willfully or heedlessly disturb the peace or quiet of any private family, shall be subject to a penalty of not less than three dollars.

SEC. 8. Whoever shall make a false alarm of fire, or any false cry for assistance, shall be subject to a penalty of not less than three dollars.

SEC. 9. Whoever shall be found in a state of intoxication in any public place, or in any place open to public view, shall be subject to a penalty of not less than three dollars.

SEC. 10. Whoever shall purposely or publicly make any indecent exposure of his or her person ; or shall appear in a dress not belonging to his or her sex ; or in an indecent or lewd dress ;

or in a state of nudity ; or shall be guilty of any other indecent or lewd act or behavior, shall be subject to a penalty of not less than five dollars.

SEC. 11. Whoever shall exhibit, sell, or offer to sell any indecent, obscene, or lewd book, picture, statue, or other like thing ; or shall exhibit or perform any indecent, obscene, or lewd play, exhibition, or other representation, shall be subject to a penalty of not less than five dollars.

SEC. 12. Whoever shall, in any place open to public view, write, mark, draw, cut, or make any obscene, lewd, or indecent word or sentence, design or figure, shall be subject to a penalty of not less than five dollars.

SEC. 13. Whoever shall indecently exhibit any stud horse, bull, jackass, or other animal in any public place ; or shall let any such animal except in some inclosed place out of public view, shall be subject to a penalty of not less than five dollars.

SEC. 14. Whoever shall in any manner game or raffle for any money or thing of value, or for any check or other thing representing or intended to represent the same ; or shall set up any lottery ; or shall sell or dispose of for gain, any ticket, chance, or share in any lottery, shall be subject to a penalty of not less than twenty-five dollars in each case.

SEC. 15. Whoever shall knowingly suffer or permit any species of gaming for money or any other thing of value, or for any check or other thing intended to represent the same, in any house or premises owned or occupied by him under his control ; or shall keep or have in his possession any gaming implements for the purpose of gaming therewith, shall be subject to a penalty of not less than twenty-five dollars in each case.

SEC. 16. Whoever shall keep, maintain, frequent, be an inmate of, or connected with, or contribute to the support of any disorderly, gaming or bawdy house, house of ill fame, or of assignation, or any place used for the practice of fornication ; or shall knowingly suffer or permit any premises owned or occupied by him under his control, to be used for any such purposes, shall be subject to a penalty of not less than fifty dollars.

SEC. 17. Any person able to work and maintain himself in some honest and respectable calling, not having visible means of support, who shall live idly without employment, or loiter or stroll about begging, or frequenting gaming houses, disorderly or bawdy houses, groceries, tippling houses, or other places where intoxicating liquors are sold; or who shall otherwise lead an idle or profligate course of life; or any person who shall keep any gaming house, or keep or exhibit any gaming implements for the purpose of gaming therewith, or shall pursue gaming, or who shall keep, maintain, or be an inmate of any house of prostitution; or who shall have in his possession any implement used for counterfeiting, or for the commission of burglary, or for picking locks or pockets, or any Mexican puzzle, or other implement or device used by cheats and swindlers, without being able to give a good account of his possession of the same; or who shall trespass upon private property in the night time, or habitually sleep in sheds, stables, outhouses, or in the open air, without being able to give a good account of himself or herself, shall be deemed a vagrant and shall be subject to a penalty of not less than fifty dollars.

SEC. 18. Whoever shall on Sunday, keep open any billiard room, ball or pin alley, house, grounds, or other place of amusement; or shall suffer or permit persons to assemble therein for the purpose of amusement or play, shall be subject to a penalty of not less than five dollars.

SEC. 19. Whoever shall on Sunday disturb the peace or good order of society by any play or amusement, shall be subject to a penalty of not less than three dollars.

SEC. 20. Whoever shall on Sunday, (except in case of necessity, or for charitable purposes, or where the person shall conscientiously observe some other day of the week as the Sabbath,) keep open his place of business, or pursue his daily labor or avocation, shall be subject to a penalty of not less than three dollars.

SEC. 21. Whoever shall inhumanly, cruelly, or unnecessarily beat, abuse, or otherwise maltreat any dumb animal, shall be subject to a penalty of not less than three dollars.

SEC. 22. Whoever shall willfully, maliciously, or negligently

break, deface, destroy, or otherwise injure any public property of the state, county, or city, or any private property, shall be subject to a penalty of not less than three dollars, and shall also be liable for the costs and expenses of repairing the injuries committed, which shall be added to the penalty and constitute a part thereof.

SEC. 23. Whoever shall carry away or remove, or shall willfully, maliciously, or negligently break, deface, destroy, or otherwise injure any monument, tomb stone, tree, shrub, railing, fence or any other property, article, or thing belonging to any cemetery or burying ground within the city, or placed or erected therein for ornament or otherwise; or shall trespass upon or maltreat any grave therein, shall be subject to a penalty of not less than ten dollars, and in addition thereto the expenses which may be incurred in repairing the injuries committed, shall be added to the penalty, and included in the judgment.

SEC. 24. Whoever shall willfully, maliciously, or negligently break, deface, destroy, or in any manner injure any street lamp or lamp post, or telegraph post or telegraph wire, shall be subject to a penalty of not less than five dollars, and in addition thereto the amount of the costs and expenses of repairing the injuries committed shall be added to the penalty and form a part thereof.

SEC. 25. Whoever shall without due authority light or extinguish any street lamp; or shall turn on the gas therein shall be subject to a penalty of not less than five dollars.

SEC. 26. Whoever shall climb upon any street lamp post, or shall fasten any horse or other animal thereto, or shall hang or place any goods, boxes, wood, or other substance upon or against the same, shall be subject to a penalty of not less than three dollars.

SEC. 27. Whoever shall willfully remove, injure, destroy, or carry away any cap or lid placed upon the service boxes of the gas light company upon the sidewalks in the city, shall be subject to a penalty of not less than ten dollars.

SEC. 28. Whoever shall, without the consent of the owner or

occupant of the premises, fasten any horse or other animal to any fence, railing, or tree, or to any boxing placed around any tree ; or shall willfully, maliciously, or negligently in any manner injure deface, remove, or destroy any ornamental or shade tree, or boxing placed around the same, or any shrub, fence, railing, gate, or sign, upon any public grounds, sidewalk, or private premises ; or shall trespass upon any private premises or public grounds, and injure, carry away, or destroy any tree, fruit, vegetable, plant, shrub, or other thing which may be therein for ornament or otherwise, shall be subject to a penalty of not less than three dollars.

SEC. 29. Whoever shall without the consent of the owner or occupant of the premises, post, put up, stick or place any hand bill, placard, show bill, or notice upon any building or fence ; or shall mark, cut, scratch, or otherwise deface any fence, or any part of any building, shall be subject to a penalty of not less than three dollars.

SEC. 30. Whoever shall purposely and rapidly or immoderately ride or drive any horse, or mule, or any cattle, or other like animals, or any team, in any street or alley in the inhabited part of the city, may be stopped by any person, and shall be stopped by any police officer, and shall be subject to a penalty of not less than three dollars.

SEC. 31. Whoever shall leave any horse or mule, or any team, in any uninclosed or public place without being fastened, guarded, or secured, so as to prevent its running away, shall be subject to a penalty of not less than three dollars.

SEC. 32. All persons meeting each other in vehicles in the streets or alleys, or in any public place, or upon or near any bridge shall, unless the nature or state of the roadway or passway shall render it impracticable, each turn and drive to the right side so as to pass each other without accident or injury. Whoever shall violate the requirements of this section shall be subject to a penalty of not less than three dollars, and shall likewise be liable for all damage that may occur from collision, unless it be satisfactorily shown that the same occurred from the fault or misconduct of the other party.

SEC. 33. Whoever shall in the inhabited part of the city, fire or discharge any cannon, gun, pistol, or other fire arm; or shall set off, fire, or explode any torpedo, fire cracker, fire ball, rocket, or other fire works whatever; or shall make or kindle any bonfire shall be subject to a penalty of not less than three dollars. But the discharge of fire aams, the setting off or exploding of fire works, and the making of bonfires upon national holidays, and in the celebration of other public and general events, or the discharge of fire arms by the members of any military company, when on parade, and in accordance with the command of the commanding officer, or by any city officer or other person in the discharge of any legal duty, or lawful act, when the same may be done in such a manner as not to endanger or be likely to endanger the safety of any person, or the injury of any property, shall not be deemed violations hereof.

SEC. 34. Whoever shall keep, sell, or deliver any poison usually known or used as deadly poison, without legibly marking the name thereof, or the word "poison" upon the phial, wrapper, or other inclosure containing the same; or whoever shall sell or deliver any arsenic, strychnine, prussic acid, or other poison usually known or used as a deadly poison, to any person known to him, without registering the name of such person, and the kind and quantity of the poison sold or delivered, and the purpose for which the same was obtained; or whoever shall sell or deliver any such poison to any person to him unknown, shall be subject to a penalty of not less than five dollars in each case. But the sale or delivery of any such poisons as a medicine, upon the prescription of a practicing physician, shall not be deemed a violation of this section.

SEC. 35. Whoever shall, in the night time, leave open any cellar, cellar door, vault, well, cistern, excavation, ditch, or other like hole upon or adjoining any street, alley, or side walk without securing and protecting the same so as not to endanger the safety of persons or animals passing thereby, from falling therein, shall be subject to a penalty of not less than three dollars.

SEC. 36. Any contractor for any public work, officer, or other person making any excavation upon or adjoining any street,

alley, or side walk, or having the same in charge, who shall in the night time leave the same open and unprotected, so as to endanger the safety of persons or animals passing thereby from falling therein, shall be subject to a penalty of not less than three dollars.

SEC. 37. Whoever shall knowingly sell, expose, or offer for sale any sick or diseased animal, poultry, or fish ; to be used or eaten for food ; or the flesh of any sick, diseased, or otherwise unwholesome dead animal, poultry, or fish ; or the flesh of any animal, fowl, or fish not usually used or deemed wholesome for food ; or any other unsound or unwholesome provisions or article of food whatever ; or any adulterated or pernicious milk, drink, or liquors shall be subject to a penalty of not less than ten dollars in each case ; and the mayor or any police officer shall seize or cause to be seized and destroyed any such food, milk, drink, or other provisions so exposed or offered for sale.

SEC. 38. Whoever shall knowingly use any false scale, beam, weight, or measure in the purchase or sale, receipt or delivery, of any goods, article, or property purchased or sold, received or delivered, by weight or measure ; or shall use any weight or measure for the purchase or sale, receipt or delivery, of any goods, article, or property purchased or sold, received or delivered by weight or measure, knowing the same to be materially inaccurate and different from the standard prescribed by the laws of the state ; or shall sell or deliver any goods, article, or property sold or delivered by weight or measure, and purporting to be of a certain weight or measure, knowing the same to be material less than the true weight or measure for which the same was sold or delivered shall be subject to a penalty of not less than ten dollars in each case.

DIVISION II.—OF OFFENCES AGAINST OFFICIAL AUTHORITY.

SECTION 1. Whoever shall falsely represent himself to be an officer of this city ; or shall, without authority, exercise or attempt to exercise any of the powers, duties, or functions of

any city officer, shall be subject to a penalty of not less than ten dollars.

SEC. 2. Whoever shall willfully hinder, delay, resist, or obstruct any city officer, or any person legally authorised by him, in the discharge of his duty ; or shall aid, abet, or encourage any such hindering, delaying, resisting or obstructing ; or shall neglect or refuse to obey any lawful order or directions of any such officer, shall be subject to a penalty of not less than three dollars.

SEC. 3. Whoever shall rescue, or attempt to rescue, or shall abet or encourage the rescue or escape of any person, from the custody of any officer or other person legally having him in charge ; or shall molest or interfere with any officer or other person, so legally having any person in custody ; or shall in any manner aid, abet, or encourage the rescue or escape, or the attempt to escape from any prison of any person legally committed thereto ; or shall supply or attempt to supply any such person with any weapon, or with any implement or means of escape, or for attempting to escape, or with any intoxicating liquors, shall in each case be subject to a penalty of not less than twenty-five dollars.

SEC. 4. Any police officer may call upon any white male person above the age of eighteen years, to aid him in the arrest, retaking, or custody of any person having committed any unlawful act, or to aid in preventing the commission of any unlawful act ; and whoever shall neglect or refuse to give such aid and assistance when so required, shall be subject to a penalty of five dollars.

SEC. 5. Any city officer who shall willfully fail, neglect, or refuse to perform any duty required of him by the city charter, or the ordinances of the city ; or who shall be guilty of any misfeasance, malfeasance, or improper conduct in the discharge of any of the duties of his office, shall be subject to a penalty of not less than ten dollars and may be removed from office.

DIVISION III.—OF OFFENCES AFFECTING THE STREETS, ALLEYS
AND SIDE WALKS.*

SECTION 1. No builder or other person shall incumber or obstruct any street or alley with building or other like materials, without a written permit from the mayor; nor shall, except in case of urgent necessity, and for a short time, incumber or obstruct more than one third of any street or alley, or one half of the side walk; nor shall such obstruction continue in any case longer than may be necessary in the diligent erection of such building, or the prompt execution of the work. Whoever shall violate any provision of this section, shall be subject to a penalty of not less than five dollars, and to an additional penalty of not less than three dollars for each day he shall continue in violation thereof.

SEC. 2. No person shall remove or cause to be removed, or aid in removing any building through or across any street or alley, without a written permit from the mayor; nor shall, in removing such building unnecessarily incumber or obstruct any street or alley, nor for a longer time than may be necessary in the prompt and diligent removal of such building, under a penalty of not less than ten dollars in each case, and an additional penalty of not less than three dollars for each day such building shall unnecessarily remain in any street or alley.

SEC. 3. No person shall make or cause to be made any erection or inclosure, encroaching in whole or in part upon any street, alley, or side walk, under a penalty of not less than twenty dollars, and an additional penalty of not less than three dollars for each day the same shall remain after notice by the mayor, the marshal, or the supervisor, to remove the same.

SEC. 4. Whoever shall make any erection or inclosure upon or along any street or alley, without first ascertaining the line thereof

* Any erection or obstruction placed in any part of a public street or highway which deprives the public of the use of any part thereof is a nuisance. There are some exceptions, however—as where materials are temporarily placed in a public street to be used in erecting a building or other needful improvement, leaving sufficient room for the free and safe passage of the public. *People vs. St. Louis*, 5 Gil. 372.

from the city surveyor and engineer, shall be subject to a penalty of ten dollars.

SEC. 5. The owner of any erection or inclosure already erected or placed, and encroaching upon any street or alley, who shall not remove the same after thirty days' notice, by the mayor, the marshal, or the supervisor, shall be subject to a penalty of not less than ten dollars, and to an additional penalty of not less than three dollars for each day he shall fail to comply with such notice.

SEC. 6. The mayor, the marshal, or the supervisor, shall cause any incumbrance, obstruction, erection, or inclosure, in or upon any street, alley, or sidewalk contrary to ordinance, to be removed; and the costs of such removal may be collected of the person causing such obstruction, with the penalty, or in a separate suit in the name of the city.

SEC. 7. Whoever shall place, throw, or leave, or cause to be placed, thrown, or left, any obstruction or incumbrance, not authorised by ordinance, in any street or alley, shall be subject to a penalty of not less than three dollars, and to an additional penalty of not less than one dollar for each hour he shall not remove the same, when required by the mayor, the supervisor, or any police officer.

SEC. 8. No person not authorised by ordinance shall make any excavation in any street, alley, or sidewalk without a written permit from the mayor, or the supervisor, under a penalty of not less than three dollars. Any person making or causing to be made any excavation or ditch for any purpose, in any street, alley, or side walk, shall, without unnecessary delay, cause the same to be filled up to the proper level of the street, alley, or side walk, and shall, from time to time, if necessary, continue to repair the same, until the earth is completely settled, and the surface conforms to the proper level of the street, alley, or side walk. Any person tearing up any planked or paved street, alley, or side walk, or bridge or culvert, for any purpose, or negligently breaking or injuring the same, or breaking or injuring the same by the removing of any building over the same, shall, without delay, cause such

planked or paved street, alley, or side walk, or bridge or culvert, to be repaired and placed in the same condition as before the breaking or injuring thereof. Any person making or causing to be made any excavation or ditch, or tearing up, breaking, or injuring any planked or paved street, alley, or side walk, bridge or culvert, or causing the same to be broken, injured, or torn up, who shall not comply with the requirements of this section, shall be subject to a penalty of not less than five dollars, and the city supervisor shall, without delay, cause such filling up or repairs to be made and completed, and the costs thereof may be collected of any person whose duty it was to do the same, and recovered with the penalty, or in a separate suit, in the name of the city.

SEC. 9. Whoever shall purposely change or remove any stake, post, or stone placed or set to designate the corner or line of any lot or land, street or alley, or to show the grade of any street, alley, or side walk, shall be subject to a penalty of not less than five dollars.

SEC. 10. Whoever shall for any private purpose dig, remove, or carry away any earth from any street or alley, without the permission of the city council, shall be subject to a penalty of not less than one dollar for each load removed or carried away, and any city officer who shall sell or dispose of any earth from any street or alley, for his private gain or benefit, shall be subject to a penalty of not less than twenty-five dollars.

SEC. 11. Whoever shall throw, place, or leave any ashes, dirt, filth, or other rubbish in or upon any street, alley, or sidewalk, or shall knowingly suffer or permit the same to be thrown, placed, or left in or upon any street, alley, or side walk, in front of or adjoining any premises owned or occupied by him under his control, shall be subject to a penalty of not less than one dollar, and to a like penalty for each hour the same may remain after notice to remove the same by the mayor, the supervisor, or any police officer.

SEC. 12. Whoever shall throw, place, or leave any live coals or fire, or make or kindle any fire upon any planked street, alley, or side walk, or planked street crossing, shall be subject to a penalty

of not less than three dollars, and shall likewise be liable for all damage or injury caused thereby, the costs of repairing which may be recovered with the penalty, or in a separate suit, in the name of the city.

SEC. 13. No person shall obstruct or incumber any street or alley with merchandise, fuel, or other articles or property longer than may be necessary in the diligent removal of the same, under a penalty of not less than one dollar, and a like penalty for each hour the same shall not be removed after notice to remove the same by the mayor, the supervisor, or any police officer.

SEC. 14. When any street or alley may be obstructed by a press of teams, wagons, or animals, the mayor, the supervisor, or any police officer may give such orders and directions as may be deemed necessary for abating the obstruction; and whoever shall not observe and obey such orders and directions, shall be subject to a penalty of three dollars.

SEC. 15. Whoever shall place or leave or cause to be placed or left any encroachment, incumbrance, or obstruction in or upon any street, alley, or side walk, shall, in all cases, be liable to the city, and to private persons for all damage or injury arising from such encroachment, incumbrance, or obstruction.

SEC. 16. No steps, platform, or other fixture shall be built to extend into or upon any side walk or alley more than three feet; and all steps encroaching upon any side walk or alley and leading to the upper story of any building, shall be securely suspended without posts. Nor shall any open cellar way, or basement way, extend into or upon any side walk or alley more than three feet, and shall be well protected and secured with a substantial iron railing round the same. Nor shall any closed cellar way or basement way extend into or upon any side walk more than five feet, or into any alley more than four feet; nor shall the door or grating of any such closed cellar way or basement way, extend above the grade of the side walk, nor exceeding one inch above the grade of the alley; nor shall the hinges, lock, or other fastenings thereof, be placed on the upper side thereof so as to project above the door, unless within two feet of the building. No show window shall ex-

tend upon any sidewalk more than eighteen inches, and all cellar windows or coal holes, placed in any side walk or alley, shall be well secured with an iron grating or otherwise, laid even with the grade of the side walk or alley. Whoever shall violate or shall fail to comply with the requirements of this section, shall be subject to a penalty of not less than three dollars, and to a like penalty for each day he shall fail to comply herewith, after notice to do the same by the mayor, the supervisor, or the marshal.

SEC. 17. No fixture, building, fence, or other erection or inclosure, extending or incroaching upon any street, alley, or side walk, contrary to ordinance, shall be repaired or rebuilt, under a penalty of not less than ten dollars.

SEC. 18. Whoever shall place, hang, or set out over or upon any side walk, any goods, wares, or merchandise, except within three feet of the building or premises occupied by him, or shall place, suspend, or erect any sign, show bill, show case, flag, or other obstruction projecting into or hanging over any side walk, exceeding three feet from the building or premises occupied by him, or shall knowingly permit the same to be done in front of any building or premises owned or occupied by him under his control, shall, in each case, be subject to a penalty of not less than one dollar, and an additional penalty of one dollar for each hour the same shall remain, after notice to remove the same by the mayor, the supervisor, or any police officer.

SEC. 19. No person shall incumber or obstruct more than four feet of the outer edge of the side walk with any goods, wares, merchandise, fuel or other articles or property he may be receiving or delivering, nor shall permit the same to remain upon any side walk longer than may be necessary in the diligent removal thereof, nor in any case to exceed twenty-four hours, under a penalty of not less than one dollar; and to an additional penalty of one dollar for each hour the same may remain, after notice to remove the same by the mayor, the supervisor, or any police officer.

SEC. 20. Whoever shall purposely push or draw any sleigh, wagon, or other vehicle, or drive, lead, or ride, any team or beast of burden over or upon any paved or planked side walk, except it

may be necessary in crossing the same to go into his own premises or into premises where no wagon crossing or other suitable means of access is provided, shall be subject to a penalty of not less than three dollars.

SEC. 21. Whoever shall fasten or leave any team or beast of burden in such a manner as that the team, the vehicle, the animal, the harness, the lines, or any thing belonging thereto, shall be an obstruction to the side walk, shall be subject to a penalty of not less than one dollar.

SEC. 22. Whoever shall not keep the paved or planked side walks in front of or adjoining the premises owned or occupied by him and under his control, so as not to be obstructed by snow, dirt, weeds, or other obstruction, shall be subject to a penalty of one dollar, and to a like penalty for each day he shall not remove such obstruction, after notice to do the same by the mayor, the supervisor, or any police officer.

SEC. 23. Whoever shall obstruct any street crossing by unnecessarily stopping thereon with any team, vehicle, or animal, so as to incommode persons crossing the same, shall be subject to a penalty of not less than one dollar.

SEC. 24. Whoever shall suffer or permit the water falling or draining from any building owned by him or under his control, to spread over the side walk in front thereof, shall be subject to a penalty of one dollar, and to a like penalty for each day he shall not remedy the same, after notice to do the same by the mayor, or the supervisor.

DIVISION IV.—OF BOYS.

SECTION 1. Any two or more boys, who in the night time may be assembled together and disturbing any lawful assemblage of persons, or making any unusual noise or disturbance to the disquiet or annoyance of the neighborhood; or who may be found loitering or strolling about, and who shall not disperse and go to their several homes when required by the mayor or any police officer, shall each severally be subject to a penalty not exceeding five dollars in each case.

SEC. 2. No boy or other person shall, in the inhabited part of the city, use or drive any hoop, or use any bow and arrow, or raise or fly any kite, or smoke or fire balloon, or (except upon national holidays or other public and general celebrations,) make or kindle any bonfire, or fire, explode or set off any fire arms, fire balls, fire cracker, torpedo, rocket, or other fire works; or shall otherwise pursue any amusement or exercise calculated to impede travel, or to frighten animals, or injure or annoy persons passing along the streets or side walks, under a penalty not exceeding five dollars in each case.

SEC. 3. No boy or other person shall purposely or heedlessly cast or throw any stone or other missile, from or into any public place, or at any person, or at, upon, against, or into any building, premises, tree, or other property, or shall walk upon the top or capping of any fence or railing, or climb upon the same, or into any shade or ornamental tree upon any side walk or elsewhere without the consent of the owner thereof, or shall in any wise injure, deface, or destroy any building, fence, railing, tree, or other property, or shall meddle with any public well, cistern, or pump, under a penalty not exceeding ten dollars in each case.

SEC. 4. Any boy or other person who shall willfully or heedlessly make any unusual noise or disturbance to the disquiet or annoyance of others; or shall disturb any assembly met for religious worship; or any other lawful assembly of persons; or who shall assault or strike any other boy or person; or who shall trespass upon any public grounds or private premises, and injure, carry away, or destroy any tree, fruit, vegetable, plant, shrub, or other thing of value therein; or who shall get into or upon any wagon or other vehicle, without the consent of the owner thereof; or shall otherwise purposely annoy or molest any other person, shall be subject to a penalty not exceeding ten dollars in each case.

SEC. 5. Any boy or other person who shall abet or encourage any violation hereof, or any other unlawful act, shall be subject to a penalty not exceeding ten dollars.

PASSED June 17, 1856.

CHAPTER XX.

NUISANCES.

An Ordinance in relation to Nuisances.

DIVISION I.—NUISANCES IN GENERAL.

SECTION 1. Any premises or any part thereof, which may be nauseous, foul or offensive to the neighborhood, or to any person or family residing near the same, or to persons passing along any street or alley near the same, or in such a condition as to be detrimental or obnoxious to the public health or comfort, shall be deemed a nuisance, and any owner or occupant of such premises, who shall neglect or refuse to abate, remedy, or remove such nuisance, or cleanse such premises after notice thereof by the supervisor, the marshal, or any police constable, or any person aggrieved thereby, shall be subject to a penalty of not less than three dollars for each day he shall so neglect or refuse to abate, remove, remedy, or cleanse the same after such notice.

SEC. 2. Any pen, place, or premises in which swine are kept or confined, which may be offensive, or an annoyance to any person residing near the same, or to persons passing along any street or alley near the same, is hereby declared to be a nuisance, and the owner or keeper of such swine, or the owner and occupant of the premises, who shall neglect or refuse to abate, remedy, or remove such nuisance, after notice thereof by the supervisor, the marshal, any police constable, or any person aggrieved thereby, shall be subject to a penalty of not less than three dollars for each day he shall so neglect or refuse to abate, remedy, or remove such nuisance after such notice.

SEC. 3. Any nauseous, foul, offensive, or putrid liquid, or substance, or any liquid or substance likely to become nauseous, foul, offensive, or putrid which may be discharged, placed, or thrown, or flow from, or out of any premises, into any street or alley, or into any adjacent premises, is hereby declared a nuisance, and whoever shall throw, place, or discharge any such nauseous, foul,

offensive, or putrid liquid or substance, or any liquid or substance likely to become nauseous, foul, offensive, or putrid, into any street or alley, or into any adjacent premises, or shall permit any such nuisance to be discharged, or to flow from or out of any premises owned or occupied by him or under his control, into any street or alley, or into any adjacent premises, shall be subject to a penalty of not less than three dollars, and to a like penalty for each day he shall not abate, remedy, or remove the same, after notice thereof by the supervisor, the marshal, any police constable, or any person aggrieved thereby.

SEC. 4. Whoever shall deposit, throw, or discharge, or leave any nauseous, foul, offensive, or putrid liquid, substance, or excrement, or any liquid or substance likely to become nauseous, foul, offensive, or putrid within the city, or (so as to be or likely to become offensive or injurious to the health or comfort of any person residing within the city,) within one half mile thereof, shall be deemed guilty of a nuisance, and shall be subject to a penalty of not less than three dollars, and to a like penalty for each day he shall not abate, remedy, or remove such nuisance after notice thereof by the supervisor, the marshal, any police constable, or any resident of the city, aggrieved thereby.

SEC. 5. Any person who shall knowingly suffer any dead animal belonging to him to remain within the city, or within one half mile thereof, so as to be or be likely to become putrid and nauseous, or offensive to any person residing within the city, shall be deemed guilty of a nuisance, and shall be subject to a penalty of not less than three dollars.

SEC. 6. No person shall in removing any dead animal, or excrement, or any other nauseous, offensive, or putrid liquid, or substance, purposely or unnecessarily cause the same to be offensive or annoying to any other person, under a penalty of not less than three dollars.

SEC. 7. When any nuisance or any thing likely to become a nuisance, shall be found by the supervisor, the marshal, or any police constable, or shall be reported to them, the author, owner, or cause of such nuisance, shall forthwith be notified to abate, remedy

or remove the same, and in case he shall not comply with such notice, the officer shall abate such nuisance, and bring suit against such person in the name of the city, for the penalty, and the costs of removal or abatement may also be recovered with the penalty, or by a separate suit in the name of the city before any court having jurisdiction. When any nuisance or any thing likely to become a nuisance, may be found upon any premises, and the owner, author, or cause of such nuisance is unknown or can not be found, the owner, occupant, or agent of such premises shall be notified to abate the same, and if such owner or his agent or occupant, whose duty it is to abate such nuisance shall not comply with such notice, he shall be subject to a penalty of not less than three dollars, and the officer shall proceed without delay to abate the same, and may bring suit in the name of the city against the person liable therefor, for the penalty and the costs of removal or abatement, or if no person liable therefor can be found, may report such costs under oath to the city council for allowance, and assessment against the premises chargeable therewith. When the owner, author, or cause of such nuisance, or the owner, or his agent, or the occupant of the premises upon which such nuisance may exist is unknown or can not be found within the city, the officer shall abate such nuisance forthwith without notice, and may bring suit in the name of the city for the penalty and the costs of removal or abatement against the owner, author, or cause of such nuisance, or the owner or occupant of the premises, or other person liable therefor, or if no person liable therefor can be found, may report the costs of such removal or abatement under oath to the city council for allowance, and assessment against the premises chargeable therewith.

DIVISION II.—NUISANCES UPON LOTS.

SECTION 1. Any lot or premises upon which stagnant water may be standing so as to become or be likely to become putrid, foul, or offensive, or detrimental to the health and comfort of per-

sons residing in the neighborhood thereof, is hereby declared a nuisance.

SEC. 2. When any lot or premises shall be referred to the board of health by the city council, or reported to them as a nuisance, or as likely to become a nuisance, from stagnant water standing thereon or any other cause detrimental to the public health or comfort, the board shall examine into the condition of such lot or premises, and if the same shall be found in such a condition as to be detrimental or obnoxious to the health or comfort of persons residing in the neighborhood thereof, shall report such lot or premises as a nuisance to the city council, stating the cause, and the manner deemed best for abating such nuisance, either by filling up or draining such lot or premises or otherwise.

SEC. 3. When any lot or premises shall be reported to the city council as a nuisance by the board of health, the city council may, by the passage of an ordinance, declare such lot or premises to be a nuisance, stating the cause therefor, and require the owner or occupant of the lot or premises or other person liable therefor to fill up or drain such lot or premises, or otherwise abate such nuisance, within such time as may be named in the ordinance.

SEC. 4. The mayor shall, without delay, after the passage of any ordinance declaring any lot or premises a nuisance and requiring such nuisance to be abated by the filling, draining, or otherwise improving of such lot or premises, cause a copy of such ordinance to be delivered to the owner of such lot or premises, or his agent, or the occupant thereof, or any other person whose duty it is to abate the nuisance thereon. If the owner of such lot or premises, or other person whose duty it is to abate the nuisance thereon, is not a resident of the city, the mayor may inclose a copy of the ordinance to such owner or other person by mail, directed to him at the post office at which he usually receives his letters, if known. But if such owner or other person whose duty it is to abate such nuisance, or his agent, is unknown, or his place of residence is unknown, the ordinance shall be published for three days in the news-

paper publishing the ordinances of the city, which shall be sufficient notice to all persons.

SEC. 5. If any lot or premises shall not be filled up or drained or such nuisance otherwise abated in compliance with such ordinance, the mayor shall cause the same to be done by the city supervisor, or may let the same by contract in the same manner as for public improvements, and when completed shall report to the city council an accurate account of the cost thereof, under the oath of the supervisor or of the contractor doing the same, and the amount so necessarily expended in abating such nuisance may be recovered of the owner of such lot or premises, or of any other person liable therefor, by suit in the name of the city before any court having jurisdiction, or may be assessed against the lot or premises chargeable therewith, and collected by warrant and sale of the same in the same manner as other nuisances.

SEC. 6. When any lots or premises shall be filled up or drained, or any nuisance thereon otherwise abated, the officer or contractor doing the same shall keep an accurate account of the cost of abating such nuisance upon each separate lot or premises, and shall report the same separately, but if the exact cost of each cannot be ascertained, he shall apportion the costs equitably as near as may be to each separate lot or premises.

DIVISION III.—DILAPIDATED BUILDINGS.

SECTION 1. Any wooden building or wooden part of any building in the fire limits, which may be situated within thirty feet of any contiguous building, and which shall be so dilapidated and out of repair as to be untenable, is hereby declared a nuisance.

SEC. 2. When any such building or part of building shall be reported to the city council, the same shall be referred to the committee on fire and water or other appropriate committee, who shall examine such building and report the condition thereof and if the city council shall be satisfied that such building is untenable and within thirty feet of any adjoining building, they may pass an

ordinance requiring the removal of such building, describing the same and the location thereof, without the fire limits, within such time as they may deem necessary.

SEC. 3. The mayor shall, without delay, after the passage of any ordinance requiring the removal of any such building, make out, sign, and deliver to the marshal, a notice containing a copy of the ordinance, directed to the owner of such building, requiring him to remove the same in compliance therewith. The marshal shall, without delay, serve such notice upon the owner of such building, or his agent, retaining a copy thereof. But if the owner is a non-resident and has no known agent residing in this city, the mayor shall send the notice to him by mail, directed to him at the post office at which he usually receives his letters, if known, retaining a copy thereof. If no owner or his agent can be found, or the owner or his place of residence is unknown, the mayor shall cause the ordinance to be published for three days in the newspaper publishing the ordinances of the city, which shall be deemed sufficient notice to all persons. If any such building shall not be removed in compliance with such notice, at the expiration of the time named therein, the mayor shall order the city marshal to remove or tear down such building, or such part thereof as may be necessary.

SEC. 4. The marshal shall, without delay, execute the order of the mayor, and shall report the costs of removal of any such building upon oath to the city council, and the same may be collected of the owner of the building by suit in the name of the city before any court having jurisdiction, or assessed against the premises chargeable therewith, and collected by warrant and sale of the same, in the same manner as in other nuisances.

SEC. 5. Any owner of any such building who shall, when notified thereof, neglect or refuse to remove such building, in compliance with such notice, shall be subject to a penalty of not less than twenty dollars.

SEC. 6. Any building, or erection, or part thereof, which shall be in danger of falling, or otherwise in such a condition as to endanger the safety of persons passing under or near the same, or

residing adjacent thereto, or to endanger any property contiguous thereto, is hereby declared to be a nuisance.

SEC. 7. When knowledge of any such dangerous building or erection shall come to the mayor, he shall, without delay, summon three disinterested citizens of the city, who shall with him inspect such building or erection, and if they or a majority of them, shall be of the opinion that the same endangers the safety of persons passing under or near the same, or residing adjacent thereto, or any property contiguous thereto, the mayor shall, without delay, notify or cause to be notified the owner or person having charge of such building or erection, forthwith to remove, demolish, or otherwise secure the same or such part thereof as may be necessary; and upon his failing or refusing to comply with such notice, the mayor shall, without delay, cause such building or erection, or such part thereof as may be necessary, to be removed, demolished, or otherwise secured, so as to be safe and harmless; and the owner of such building or erection, or person having charge of the same, who shall so fail or refuse to comply with such notice, shall be subject to a penalty of not less than twenty dollars, and the costs of removing, demolishing, or securing such building or erection, shall be reported to the city council by the mayor, and the same may be collected of the owner of such building or erection, or person having the same in charge, by suit in the name of the city before any court having jurisdiction, or assessed against the premises chargeable therewith, and collected by warrant and sale of the same, in the same manner as other nuisances.

SEC. 8. All scaffolds or other erections used in the erection of any building, shall be made secure and sufficiently wide to insure the safety of persons working thereon or passing under the same, against the falling thereof, or of materials that may be placed thereon. Any scaffold or other erection which may be otherwise constructed, shall be deemed a nuisance, and whoever shall erect or use any such insecure or dangerous scaffold or other erection, shall be subject to a penalty of not less than ten dollars, and upon his failure or refusal to remedy or remove the same forthwith, when required by the mayor, the supervisor, or any police officer, the

officer shall cause the same to be done and the costs of such removal shall be collected of the owner or builder thereof and recovered by suit in the name of the city before any court having jurisdiction.

DIVISION IV.—ASSESSMENTS FOR ABATING NUISANCES.

SECTION 1. When any costs or expenses necessarily expended in removing or abating any nuisance upon any premises chargeable therewith, shall be reported to the city council and examined by them, they may by an order to be entered at full upon the journals, approve and confirm the same, and levy and assess such costs and expenses against the premises chargeable therewith. The order shall contain a correct list and description of the premises, with the name of the owner thereof, if known, and the amount assessed against each lot or premises set opposite thereto, and may be substantially as follows, to wit :

“ Ordered by the city council, that the several sums set opposite to each of the following described lots, (parts of lots, real estate, or premises, as the case may be,) to wit :

Name of owner.	DESCRIPTION.			Amount of Assessment.
	Lot.	Block.	Addition.	
A. B.	1	22	E. Iles.	\$20.00.
C. D.	N $\frac{1}{2}$ 5	21	O. T. P.	5.00.
E. F.	4	6	Mason's.	40.00.

Being the costs and expenses approved by the city council, for abating nuisances upon each of the aforesaid lots or premises, by the city, after failure of the owners or other persons whose duty it was to abate such nuisance, after due notice to do the same in pursuance of the ordinances of the city, be, and the same are hereby levied and assessed against each of said lots or premises to defray the costs and expenses of abating said nuisances thereon, and that a warrant issue for the collection of said assessment against each lot, parts of lot or premises, returnable within sixty days from the date thereof.”

SEC. 2. The city clerk shall, without delay, after the passage of the order of assessment, make out and deliver to the assessor and collector, a warrant for the collection of the assessments containing a true copy of the order of the city council, signed by the mayor and himself under the corporate seal and returnable within sixty days from the date thereof. The clerk shall take the receipt of the assessor and collector for the warrant upon delivery thereof and charge him with the amount of the same.

SEC. 3. The assessor and collector upon receipt of the warrant, shall, without delay, cause a notice, signed by him, to be published for ten days, in the newspaper publishing the ordinances of the city, stating that the warrant for the collection of the assessments made by the city council against the premises named therein, (describing the same with the name of the owner thereof, if known, and the amount of the assessment as fully set forth in the warrant,) and for the sums set opposite to each, for the costs and expenses of abating nuisances upon such premises, has been delivered to him for collection and that payment of the same is demanded. Such notice shall be deemed a sufficient demand and a neglect to pay such assessment for twenty days after the expiration of such notice shall be deemed a refusal. But the assessor and collector shall, as far as is practicable, make personal demand of payment of the owner of such premises, or his agent, or other person liable therefor, if he may be found within the city.

SEC. 4. The assessor and collector shall in the collection of the warrant have all the powers conferred on him by law in the collection of general warrants for taxes, and shall perform the same duties and be subject to the same liabilities, and his return may be made in like form. The city council may by order or resolution extend the time of the return of the warrant.

SEC. 5. When any warrant shall be returned unsatisfied in whole or in part as to any assessment against any lot or premises or any part thereof, the city council may at any time thereafter, by an order to be entered at large upon the journals or record kept by the clerk, direct the assessor and collector to sell the delinquent premises, (describing the same with the name of the owner thereof,

if known, and the assessments severally due thereon and purpose thereof as fully as set forth in the warrant,) or so much thereof as may be necessary for the payment of such assessment and the costs of sale.

SEC. 6. The city clerk shall, without delay, after the passage of the order of sale, make out a certified copy thereof signed by himself and the mayor under the corporate seal and attach to the warrant, and deliver the same to the assessor and collector. The copy of the order, and the warrant shall constitute the process upon which the assessor and collector shall sell the delinquent premises described therein, and they may be sold at any time within two years after the approval or confirmation of such assessment by the city council.

SEC. 7. The assessor and collector shall then sell the delinquent premises or so much thereof as may be necessary to pay such assessment and the costs of advertising the same for sale, he first giving notice of the time and place of sale, by publishing an advertisement at least four times in the newspaper publishing the ordinances of the city, the first publication to be made at least thirty days before such sale, describing the delinquent lots or premises by figures or otherwise, with the name of the owner, if known, and the amount of the assessments severally due thereon, as fully as set forth in the warrant, and stating that the smallest portion of the lot or premises to be taken from the east side thereof, will be sold to the person who will take the same and pay the assessment due against the same for abating nuisances thereon and the costs of advertising the same for sale. All proceedings may be stopped at any time before sale by payment of the assessment and the costs of advertising.

SEC. 8. All subsequent proceedings shall be the same in all respects whatever as in cases of sales for general taxes, and the duties and liabilities of the assessor and collector, the city clerk, the city council and purchasers, shall in all respects whatever, be the same as is prescribed by law or ordinance in sales for general taxes.

PASSED May 22, 1856.

CHAPTER XXI.

OFFICERS.

An Ordinance in relation to City Officers.

DIVISION I.—OF CITY OFFICERS IN GENERAL.

SECTION 1. The city council may by an order require any city officer before entering upon the discharge of the duties of his office, to execute bond to the city, in such sum as may be named in the order, and with such sureties as they may approve. But no member of the city council, or officer of the city, shall be received as a surety on the official bond of any city officer. The bond of each city officer shall be conditioned "*that he will faithfully execute the duties of his office, and account for and pay over and deliver all moneys and other property received by him, on account of the city.*" All official bonds shall be drawn up by the city attorney, or submitted to him after being drawn up for his approval of the form thereof, and shall then be submitted to the city council for their approval, which, when given, the city clerk shall certify thereon, and shall file and preserve the same in his office. The city council may, at any time, require a new bond to be executed by any city officer, if from any cause they shall deem the old bond or the sureties thereon to be insufficient, but the execution of such new bond shall not in any manner affect any liability, loss, or damage incurred under the old bond, or release the sureties from any liability incurred thereon. All bonds and contracts shall be written, or printed, or partly both, in a plain and legible manner.

SEC. 2. When any city officer shall have qualified as required by the charter and ordinances of the city, the city clerk shall make out and deliver to him a commission under the corporate seal, signed by the mayor or presiding officer of the city council, and the city clerk. The commission may be substantially as follows, to-wit:

A. B., mayor of the city of Springfield: To all to whom these presents shall come: Greeting: Know ye, that C. D. having been duly (elected or appointed, as the case may be,) and qualified to the office of——of the city of Springfield; I, A. B., mayor (or acting mayor, as the case may be,) of said city, for and in behalf of the people thereof; do hereby commission him ——, in and for said city: to have and possess the said office, with all the rights, powers, and emoluments incident thereto, with authority to execute all the duties thereof according to law, until his successor shall be duly chosen and qualified.

In testimony whereof, I have hereunto set my hand and caused the corporate seal of said city to be affixed this —— day of ——, A. D., one thousand eight hundred and fifty——, and of the Independence of the United States the eighty—— year. By the mayor,

A. B., Mayor.

E. F., City Clerk.

SEC. 3. All officers collecting or receiving any moneys on account of the city, shall pay the same as fast as collected, into the city treasury, in the same kind of funds as received by them, and shall, on the first Monday of each month, report to the city council an accurate statement of all moneys received by them for the preceding month, specifying the amount, from whom, and on what account received. No officer shall retain any moneys collected or received by him, toward the payment of any salary or fees which may be coming to him from the city, but shall pay the same into the treasury. Any officer violating any provision of this section shall be subject to a penalty of not less than ten dollars.

SEC. 4. The salaries of all city officers, unless otherwise specially provided, shall be payable monthly on the first Monday of each month; and they may present their accounts to the city council or city clerk for adjustment or payment. But no warrant shall be drawn in favor of any officer for the payment of his salary, until he shall have filed his report as is herein required, nor shall any

warrant in any case be drawn in favor of any officer who shall be in default or arrears with the city.

SEC. 5. The records, books, and papers pertaining to any city office, shall, at all reasonable times, be subject to the inspection and examination of the mayor, the city council, or any of its committees, or any person interested in the same, and all city officers shall, when requested, give all the information in their power pertaining to their respective offices, to the city council or any of its committees, the mayor, the board of school inspectors, or any other department of the city government.

SEC. 6. When any particular officer required by ordinance to execute any particular duty, shall be absent or incompetent or otherwise unable to discharge such duty, the mayor may assign the discharge of such duty to some other officer, and such officer shall act in such case with the same powers and authority as if specially named in the ordinance.

SEC. 7. If any city officer shall remove from the city, or absent himself therefrom for three months, his office shall thereby be vacated. Any officer desiring to be temporarily absent, shall apply to the city council if in session, or if not, to the mayor for leave of absence; which may be granted for any time not exceeding one month, by the mayor, or by the city council not exceeding three months. Any officer who shall absent himself from the city for more than one week without such leave of absence, shall be subject to a penalty of not less than twenty dollars for each week he shall so absent himself.

SEC. 8. All officers shall be liable to the city for all loss or damage that may arise from their negligence or willful misconduct in the discharge of any official duty; and the city council may in their discretion by order, withhold the salary of any such officer in order to secure the city from loss. And if any officer shall fail, neglect, or refuse to discharge or perform any duty required of him, the city council may employ or appoint some competent person to perform such duty, and the costs and expenses of doing the same shall be charged to such officer, and deducted from his salary; or if his salary shall be insufficient to pay the same, they may be

collected from him and recovered by suit in the name of the city before any court having jurisdiction.

SEC. 9. Whenever it shall come to the knowledge of the mayor or any member of the city council, that any city officer is incompetent, or has willfully neglected or refused to discharge any of the duties of his office, or has been guilty of any malfeasance, misfeasance, or other improper conduct in the discharge of his official duties, he shall forthwith prefer charges in writing against such officer to the city council, specifying the nature of the offense or offenses with which he is charged. The city council shall immediately thereupon appoint by ballot a committee to consist of three members, to examine into such charges, and who, if upon such examination they shall deem them well founded, shall frame such charges with such additional charges as they may find probable cause for preferring, with specifications, and report them to the city council. Whereupon the city council shall set a day for hearing and determining the same within ten days. A copy of the charges and specifications with a notice of the day set for hearing the same, shall, without delay, be made out by the city clerk and delivered to the accused. Upon the day appointed the city council shall proceed to hear and determine concerning such charges, and hear and examine all evidence that may be offered on both sides, and may, if necessary, adjourn from day to day, and shall, upon concluding such examination, vote by ayes and nays upon the charges whether the accused is guilty. The question upon each charge shall be "*is the accused guilty?*" and if two thirds of all the aldermen required by law to be elected, shall vote that he is guilty of any charge preferred, they may resolve that he be removed from office; and shall thereupon proceed to fill such vacancy according to law. The proceedings shall be entered at large upon the journals by the city clerk.

SEC. 10. The accused shall be heard, if he shall so desire, by himself or council in his defense, and the city attorney, if required, shall attend and prosecute on behalf of the city. But no exceptions shall be taken or allowed as to the form of the charges or

specifications ; and it shall be sufficient if the offense charged is clearly and substantially set forth.

SEC. 11. The mayor shall issue warrants under the corporate seal, for all witnesses, or the production of all papers that may be required, either before the city council, or before the special committee, and deliver the same to the city marshal, who shall serve the same by reading, or by delivery of a copy thereof to the person summoned, and shall make a return in what manner he has executed the same. And any person who shall neglect or refuse to appear or to testify when so required, or to produce any papers which he may have in his possession or under his control pertaining to such trial, shall be subject to a penalty of not less than fifty dollars, and may be compelled to appear or to testify in any other legal manner. When any witness may be unable to attend from sickness or other cause, or is beyond the jurisdiction of the city council, his deposition, taken in accordance with the laws of the state, may be read in evidence.

SEC. 12. When any charges shall be preferred, the officer shall immediately be suspended until they are disposed of, and the city council may make a temporary appointment to fill such vacancy. If any officer shall without good cause neglect to appear at the time appointed, and answer the charges against him, his office shall be declared vacant. Any officer who may be removed from office, shall not receive any salary from and after the date charges are preferred against him.

SEC. 15. Any city officer, authorized or required by the city charter to be appointed by the city council, may be removed from office at any time by a vote of two thirds of all the aldermen required by law to be elected. But the city council may at its option cause charges to be preferred against such officer, and proceed to hear and determine the same in the same manner as is prescribed in the 9th Section hereof.

DIVISION II.—SALARIES AND FEES.

SECTION 1. The salaries and compensation of city officers shall be as follows, to wit :

The mayor shall receive a salary of six hundred dollars per annum.

The city clerk shall receive a salary of six hundred dollars per annum.

The city attorney shall receive a salary of one hundred dollars per annum.

The city marshal shall receive a salary of three hundred dollars per annum.*

The city supervisor shall receive a salary of four hundred dollars per annum.*

The city surveyor and engineer shall receive a salary of three hundred dollars per annum,* in full for all services rendered the city, and shall employ at his own expense all necessary assistants.

The city weigher shall be allowed a salary equal to one half of the fees received by him for weighing on the city scales.

The city assessor and collector shall receive four per cent. of all moneys collected by him, in full compensation for all services required of him, but his commissions and compensation shall not exceed eight hundred dollars per annum.

Police constables shall each receive a salary of one hundred dollars per annum.

SEC. 2. The city council may increase or diminish the salaries of city officers at any time in their discretion; but no ordinance changing the salary or compensation of any officer shall be retroactive in its operation; but such increase or diminution of salary, or compensation, shall take effect from the first Monday of the month next succeeding after the passage of the ordinance changing such salary or compensation.

SEC. 3. The city clerk may charge and receive the following fees, to wit:

For copies or exemplifications of any records of his office, fifteen cents for each one hundred words.

For certificate of authentication under the corporate seal, fifty cents.

* Amended, see Ordinance, Post III.

For any official certificate without the corporate seal when not required for public use, twenty-five cents.

For administering any oath and attesting the same, (when not done for the use of or on account of the city,) twenty-five cents.

For cancelling each tax or other certificate of sale, fifteen cents.

But neither he nor any other city officer, shall in any case be entitled to charge any fees against the city, for any services performed for the use of the city in the discharge of his official duties.

SEC. 4. All city officers receiving fees as part of their compensation, shall keep an accurate account thereof, and shall, at the end of each year, report to the city council the amount of fees of all kinds received by them during the preceding year.

DIVISION III.—CITY ATTORNEY.

SECTION 1. The city attorney shall be licensed to practice in the courts of the state, and shall prosecute or defend in behalf of the city in all cases in which the interests of the city, or the official acts of any officer or agent of the city are involved.

He shall, when required, advise the city council or any of its committees, or any city officer in relation to all matters of law arising, in which the interests of the city are in question. He shall examine all assessment and tax lists, or other papers in relation to the assessment or collection of taxes or assessments, and approve the same, or draft any ordinance, bond, contract, or other instrument of writing on behalf of the city, or examine and approve the same when required by the city council or any of its committees, or the mayor.

When his written opinion shall be required by the city council or the mayor on any question of interest to the city, he shall furnish it and keep a record thereof in a suitable book.

SEC. 2. He shall, when required, prosecute any suit brought in the name of the city before any police or other magistrate for the recovery of any penalty or otherwise.

He shall cause execution to be issued upon all judgments recovered in favor of the city, and attend to their prompt collection.

He shall report to the city council or to the mayor all cases in which he shall deem it expedient to take any appeal or writ of error on behalf of the city, and the city council may, by an order or resolution, authorize the same to be done, and the mayor shall enter into such bond or other obligation on the part of the city, under the corporate seal, and with such sureties as may be necessary; and such sureties shall be indemnified by the city from all loss or damage.

He shall prepare and file all necessary papers in all cases in which the city is a party or interested. The city clerk shall deliver to him any bond or other paper necessary to be used in any suit or other proceeding, taking his receipt for the same.

SEC. 3. He shall be allowed one dollar of all fines and penalties under ten dollars, and two dollars of all fines or penalties exceeding ten dollars, which may be recovered and collected in cash, in cases which he shall actually prosecute. He shall be allowed five dollars of each judgment under one hundred dollars, and ten dollars of each judgment exceeding one hundred dollars in favor of the city obtained in courts of record, and collected by him.

SEC. 4. He shall report to the city council without delay after the adjournment of each term of any court of record, and at such other times as he may be required, the state or disposition of all cases of the city pending in such court. He shall examine all fee bills of officers of courts and others, and certify to the correctness of the same, and the liability of the city therefor. But no fee bills for costs for the prosecution of any citizen of the city for any criminal offense in the circuit court of Sangamon county, or for jail fees, shall be certified to or paid, unless the offender shall have been duly convicted and such costs can not be collected from him.*

SEC. 5. The city attorney may, in case of temporary absence,

* The Provision in Section 4 of Article XIII, of the City Charter, requiring the city to pay the costs in the circuit court, of the conviction of any citizen of the city for any criminal offense, and the jailor's and prosecuting attorney's fees, is repealed by Sec. I of Act of February 16, 1857. See Charter Amendments, No. 3.

or otherwise being unable to attend to the duties of his office, with the consent of the mayor and at his own expense, appoint some competent attorney to act in his place. The city council may authorize the retaining of assistant counsel when deemed expedient.

DIVISION IV.—CITY ENGINEER.

SECTION 1. The city engineer or surveyor shall, when required by the mayor, the city council, or any of its committees, make out plans, estimates and specifications for any public work which may be ordered or proposed by the city council, and superintend the construction thereof.

He shall, when required by the city council, make surveys of the grades or boundaries of streets or alleys, and prepare plats or profiles thereof, and report the same to the city council, and no such survey of any grade or boundary shall be established and valid, until the plat or profile thereof shall be reported to and approved by the city council.

He shall, when required, receive, inspect, or measure any lumber or other materials to be used for any public work, and if necessary shall keep an accurate account in a suitable book, of the quantity and quality of the same, and from whom received, and the cost thereof, and also for what purpose used, or to be used, and to whom delivered.

He shall examine all accounts for materials received by him on account of the city, and if correct, certify the same to the city council.

SEC. 2. He shall preserve in his office all records and plats of surveys, and all books, papers, and writings pertaining to his office.

He shall make out and keep a diagram or plat of all the grades and boundaries of streets and alleys established by the city council, correcting the same when any grade shall be changed, and adding thereto when any new grade or boundary shall be established; and he shall record in a suitable book the profiles and notes of all surveys of grades and boundaries established, and shall

preserve the original papers relating thereto ; and shall otherwise keep a systematic record of all the transactions pertaining to his department.

SEC. 3. He shall make all surveys in the city that he may be called upon to make ; and shall employ at his own expense the necessary chainmen and other assistants, who shall, before entering upon their duties, be sworn before him, or any person authorized to administer oaths, "*to measure accurately and justly, and to perform their duties to the best of their knowledge and ability.*"

He shall acquaint himself with the original surveys of the town and city, and shall, as far as is practicable, provide himself with copies of the field notes of the original surveys ; and shall make his surveys in accordance therewith ; and he shall note all errors or discrepancies in the original surveys, or re-surveys, as soon as discovered.

SEC. 4. He shall, upon finding or establishing the boundary of any lot or tract surveyed, plant a substantial stake or stone at each corner thereof, and give to the owner, or person employing him, if required, a certificate, stating the date, and, as far as practicable, the metes and bounds of the survey, and he shall record all such surveys in a suitable book, stating the date of the survey, for whom made, and describing, as far as practicable, the metes and bounds thereof.

SEC. 5. He shall be entitled to charge and receive as his fees for giving the line of or for surveying any single lot or tract the sum of two dollars ; for making a plat of the same, including the block in which the lot or part of lot belongs, one dollar ; for subdividing any lot, block, or tract so surveyed, for each subdivision less than ten, including the necessary plats thereof, fifty cents ; for each subdivision over ten and less than twenty, forty cents ; for each subdivision over twenty and under forty, thirty cents each ; for each subdivision over forty and under one hundred, twenty-five cents each, and for each subdivision exceeding one hundred, twenty cents each.

He shall, without charge, mark the grade of any street or alley,

where the same is established, at the request of any person wishing to make any erection or enclosure, or lay any sidewalk.

SEC. 6. The city clerk shall return to the city surveyor and engineer all plats and other papers pertaining to his department, as soon as the city council shall have no further use therefor.

DIVISION V.—CITY SUPERVISOR.

SECTION 1. The city supervisor shall superintend all improvements ordered by the city council upon the streets and alleys, and make all necessary repairs thereof. But no improvement or repair, except such repairs as may be actually necessary, shall be made without the order of the city council; and he shall, without delay, cause all breaks in any planked street or alley, bridge, culvert, apron, or street-crossing, or other insecure or unsafe place, to be repaired, and report the costs thereof to the city council for allowance, and when the probable cost of any such repair shall exceed twenty-five dollars, the same shall be made with the concurrence of the mayor, or of the committee on streets and alleys. He shall annually, as early as is practicable in the spring of the year, under the direction of the mayor, or the committee on streets and alleys, cause the streets and alleys, where needed, to be cleansed and the gutters to be opened, and he shall, as far as it is practicable, keep them in that condition during the year. He shall, from time to time, examine into the condition of the streets and alleys, bridges, culverts, cross-walks, and sidewalks, and report the same to the city council, and recommend such improvements or repairs as he may deem needed.

SEC. 2. He may, by authority of the city council, when the street labor shall be insufficient for repairing the streets, employ such laborers and carts and teams as may be deemed necessary by the city council, and at such price as may be fixed by them, not exceeding the usual rates paid by others for similar labor and service.

He shall oversee and direct the street laborers and workmen

in the employ of the city, and require them to labor faithfully, and shall keep a correct account of their time in a suitable book.

He may procure the necessary implements for performing street work, or materials for bridges, culverts, or crosswalks, but he shall purchase no implements or materials without making his written requisition to the mayor, and getting his order therefor.

SEC. 3. He shall keep in an appropriate book, and in such manner as may be required by the committee on finance, a plain and accurate account of all expenditures made under his supervision, specifying to whom made, for what purpose, and to what ward chargeable.

He shall keep a correct list and account of all implements, materials and other property of the city in his charge, and shall be accountable therefor; and shall deliver the same to his successor in office, taking his receipt therefor, which he shall file with the city clerk, who shall credit him with the same, and charge his successor therewith.

When he shall purchase any implements on account of the city, he shall immediately report the bill thereof to the city clerk, who shall charge him with the same at cost. He shall cause all implements belonging to the city to be legibly marked or branded with the letters "C. S."

SEC. 4. He shall examine all accounts of contractors and others for work pertaining to his department, or for implements and materials furnished therefor, and if correct, certify the same to the city council.

SEC. 5. He shall, on the first Monday of each month, report to the city council a statement of all expenditures under his supervision for the preceding month, specifying the purpose of such expenditure and the ward in which the same was made, and if required, the person to whom made. No account presented or certified shall be allowed, or warrant issued thereon, unless it shall be so rendered as to show to what account and ward it is chargeable.

SEC. 6. The city supervisor shall cause all ordinances in rela-

tion to the streets and alleys and sidewalks to be enforced, and shall prosecute all violations thereof. He shall obey all such orders, general or special, as he may receive from the city council, the committee on streets and alleys, or the mayor, and for refusal or willful neglect to perform any duty required of him by the charter or any ordinance, he shall be subject to removal from office.

SEC. 7. The city council shall, as soon as practicable after the commencement of each fiscal year, appropriate from the general fund, an amount to be expended in improving and repairing the streets and alleys, setting apart to each ward a sum equal as near as may be to the proportion of general taxes paid by such ward. Street taxes shall be exclusively expended in the wards in which the persons paying the same reside.

The city clerk shall credit each ward with the amount of such appropriation and street taxes paid, and charge it with the amount of all warrants drawn against it.

The city clerk shall immediately notify the mayor or city council when any such appropriation is exhausted, and thereafter no warrant shall be drawn against the same until the further order of the city council; and no new contracts shall be let or improvements ordered, except for such repairs of the streets and alleys as may be actually necessary.*

SEC. 8. When any bridge, crosswalk, culvert, or other street work shall be ordered by the city council, the location and manner of constructing thereof shall be designated in the order.

Crosswalks shall be constructed not less than three nor exceeding six feet in width, and shall be so laid as not materially to obstruct the road way; and when the width is not specified in the order, shall be laid to the width of three feet. They shall be laid with good, not less than two inch, white or bur-oak plank, well spiked to suitable oak bearings, placed not exceeding six feet

* An action for damages resulting from negligence in not repairing the streets, will lie against a municipal corporation, if the duty to make repairs is fully declared, and adequate means are put within the power of the corporation to perform the duty.—*Browning vs. Springfield*, 17 Ills., 143.

apart. Suitable aprons of two inch plank shall be laid when necessary of the width of the crossing, or if the streets are planked, to the full width of the sidewalk.

Culverts, unless otherwise directed in the order, shall be constructed of at least two inch white or bur-oak lumber, well spiked and tied to a substantial framework, and of sufficient size and capacity to admit the passage and carry off all the water as fast as it may flow, and shall be covered with at least three inch good oak plank.

DIVISION VI.—CITY WEAHER.

SECTION 1. There shall annually be appointed a city weaigher, who shall hold his office for one year, and until the qualification of his successor.

He shall attend at the public scales at all reasonable hours during the day, for the purpose of weighing each load or parcel that may be presented to be weighed. He shall keep an appropriate book in which he shall enter the kind, and weight of each load or parcel weighed, and for whom and the date when weighed, and shall give a certificate thereof to the person applying for the weighing of such load or parcel, which certificate shall be delivered to the purchaser on sale or delivery of the load.

SEC. 2. No person shall deliver, or sell, or offer for sale, any load of hay or stone coal, without the same being first weighed by the city weaigher and a certificate thereof given, under a penalty of not less than five dollars in each case. But the provisions of this section shall not be deemed to apply to any stone coal sold or delivered by the car load upon any railroad.

SEC. 3. The city weaigher may charge and receive ten cents for each load or parcel not exceeding five thousand pounds weighed by him, and twenty cents for each load or parcel exceeding five thousand pounds nett, to be paid by the person applying therefor.

SEC. 4. When the vehicle and load shall be weighed together, the weaigher's certificate shall state the gross weight thereof; and upon sale or delivery of the load, the vehicle shall be weighed and

the nett weight of the load ascertained ; and he shall calculate and enter upon the certificate the quantity of bushels, or tons, or parts thereof, in the load, if the same be sold or delivered by the bushel or ton. But if the vehicle shall have been before weighed, and the weight thereof ascertained, it shall not be necessary to re-weigh the same, unless required by the purchaser of the load, and no charge shall be made for weighing the vehicle in order to ascertain the nett weight of the load. Whoever shall neglect or fail to have his vehicle weighed after sale or delivery of the load thereof as herein required, shall be subject to a penalty of five dollars.

In weighing hay, a deduction of two hundred pounds shall be made for the pole fastening the load, until it shall be returned and weighed ; and in weighing stone coal, a suitable deduction shall be made for slate, coal dust, and other impurities, and in all cases due allowance shall be made for mud, water, or other impurities not belonging to the load. A ton of hay shall be computed at two thousand pounds. The quantity of all other articles shall be computed in accordance with the laws of the state.*

SEC. 5. Whoever shall alter any certificate of the weigher, or shall use or attempt to use the same, for any other load or parcel than the one for which it was delivered, or shall after the weighing and before the sale or delivery of any load or parcel diminish the

* The hundred weight shall consist of one hundred pounds—and twenty such hundreds shall constitute a ton. Rev. Stat., 1845, Chap. 108, Sec. 5.

An Act to amend an Act concerning Weights and Measures. Approved February 14, 1855. Laws of 1855, Page 176.

Be it enacted by the people of the State of Illinois, represented in the General Assembly : That whenever any of the following articles shall be contracted for, or sold, or delivered, and no special contract or agreement shall be made to the contrary, the weight per bushel shall be as follows—to wit : Shelled corn, fifty-six (56) pounds ; corn in the ear, seventy (70) pounds ; wheat, sixty (60) pounds ; rye, fifty-six (56) pounds ; oats, thirty-two (32) pounds ; barley, forty-eight (48) pounds ; Irish potatoes, sixty (60) pounds ; sweet potatoes, fifty-five (55) pounds ; white beans, sixty (60) pounds ; castor beans, forty-six (46) pounds ; clover seed, sixty (60) pounds ; timothy seed, forty-five (45) pounds ; flax seed, fifty-six (56) pounds ; hemp seed, forty-four (44) pounds ; blue grass seed, fourteen (14) pounds ; buck wheat, fifty-two (52) pounds ; dried peaches, thirty-three (33) pounds ; dried apples, twenty-four (24) pounds ; onions, fifty-seven (57) pounds ; salt, fifty (50) pounds, stone coal, eighty (80) pounds ; malt, thirty-eight (38) pounds ; bran, twenty (20) pounds, turnips, fifty-five (55) pounds ; hair for plastering, eight (8) pounds ; unslacked lime, eighty (80) pounds ; corn meal, forty-eight (48) pounds ; fine salt, fifty-five (55) pounds.

quantity thereof, or shall practice, or attempt to practice any other fraud or deceit in the weighing, sale, or delivery of any load or parcel, shall be subject to a penalty of not less than ten dollars in each case; and the weigher shall use diligence in detecting fraud or deceit, and prosecute the person guilty of the same.

SEC. 6. The weigher shall test the accuracy of his scales monthly, and oftener if he has cause to think them inaccurate. He shall keep them in good order and cause them to be repaired when needed; but no expense exceeding five dollars shall be incurred without the consent of the mayor.

SEC. 7. No person shall be appointed, or be competent as city weigher, who shall directly or indirectly follow the business of buying, selling, or delivering hay or stone coal.

SEC. 8. The city clerk shall procure the necessary book and printed blank certificates for the use of the weigher, and shall number the same, and deliver them to him, taking his receipt for the number thereof, and charging him at the rate of ten cents for each blank certificate, and crediting him from time to time with the treasurer's receipts, filed by him, and other proper credits.

The weigher shall, on the first Monday of each month, report to the city council the number of certificates issued, and the amount received for weighing during the preceding month; and he shall also pay such amount into the city treasury.

SEC. 9. Any city weigher who shall knowingly give any false or fraudulent certificate of the weight or quantity of any load or parcel weighed by him, shall be subject to a penalty of not less than ten dollars, and may be removed from office.

PASSED May 22d, 1856.

An Ordinance relating to the Compensation of Aldermen.

II.

SECTION 1. That there shall be allowed and paid to each alderman for every attendance at a regular monthly meeting of the city council, the sum of two dollars; and for every attendance at a called or special meeting the sum of one dollar.

SEC. 2. The amount due to each alderman shall be ascertained and paid by the city clerk monthly.

SEC. 3. This ordinance shall take effect from and after its passage.

PASSED April 13, 1857.

An Ordinance relative to the Salaries of certain Officers.

III.

SECTION 1. For the present charter year the salaries of the following city officers shall be as follows, to wit:

The city marshal shall receive a salary at the rate of four hundred dollars per annum.

The city supervisor shall receive a salary at the rate of six hundred dollars per annum.

The city surveyor and engineer shall receive a salary at the rate of six hundred dollars per annum.

PASSED June 17, 1857.

CHAPTER XXII.

ORDINANCES.

An Ordinance in relation to the Ordinances of the city, and their construction and effect in certain cases.

SECTION 1. When any ordinance, or a part of any ordinance, shall be repealed or modified by a subsequent ordinance, the ordinance or part of ordinance thus repealed or modified, shall continue in force until the due publication of the ordinance repealing or modifying the same, when such publication shall be necessary to give effect to such ordinance, unless it shall be therein otherwise expressly provided.

SEC. 2. When the provisions of different ordinances, or of the different chapters of any ordinance, conflict with or contravene

each other, the provisions and requirements of each ordinance or chapter shall prevail as to all subjects, matters, and questions arising out of, or embraced within the subject matter thereof. But if different or conflicting provisions be found in different sections of the same ordinance, the provisions of the section which is last in numerical order shall prevail, unless such construction would be repugnant to or inconsistent with the meaning of such ordinance or chapter.

SEC. 3. The word "COURT" when used in any ordinance shall be construed to mean any court of competent jurisdiction, whether police magistrates' courts, justices of the peace, or courts of record.

SEC. 4. No ordinance, or part of any ordinance, repealed by another ordinance, shall be revived by the repeal of the repealing ordinance, unless it shall be therein otherwise expressly provided.

SEC. 5. When, in any ordinance, words importing the singular number are used, in reference to any person, or subject matter, such words shall be deemed to extend to and embrace several persons, matters, or subjects; and words used collectively, or importing the plural number, shall be deemed to extend to and embrace any singular person, matter, or subject, as well as to several; and when any person, or subject matter, shall be named, referred to, or described by words importing the masculine gender, or by general terms, females as well as males shall be deemed included in the meaning and terms thereof; and the words "PERSON" or "PERSONS," or words importing any person or persons, shall be deemed to include corporations as well as individuals.

SEC. 6. The word "MONTH," when used in any ordinance, shall be construed to mean a calander month, and the word "OATH," shall be deemed to include an affirmation, and the word "SWORN" to mean sworn or affirmed.

SEC. 7. When any duty shall be required of, or power vested in the mayor, the same shall be deemed to extend to and embrace, and may be exercised by the *acting* mayor also; and when any duty shall be required of, or power vested in the city marshal, the same shall be deemed to extend to and embrace, and may be

exercised by police constables, unless such construction would be contrary to the terms of the ordinance, or in derogation of the city charter.

SEC. 8. The rules of construction herein prescribed, shall apply in all cases, unless it shall be otherwise specially provided in the ordinance, or unless there be something in the subject matter, or context thereof, repugnant to such construction. And all general terms, provisions, phrases, or expressions, used in any ordinance shall be liberally construed, in order that the true meaning and intent of the city council may be carried out.

SEC. 9. No fine, forfeiture, penalty, right, action, suit, debt, or other liability whatever, created, instituted, incurred, or accrued by or under any ordinance prior to its repeal or modification, shall be released, discharged, annulled, repealed, or in anywise affected by the passage of such repealing or modifying ordinance; but the same may be prosecuted, recovered, or enjoyed, or any suit or other proceeding be commenced or completed thereon, as fully and in the same manner in all respects as if such ordinance or part thereof had remained in full force, unless it shall be otherwise expressly provided in the ordinance making such repeal or modification.

SEC. 10. When any fine or penalty shall be imposed by different ordinances, or sections or clauses of different ordinances, for the same offense, the officer or person prosecuting may choose under which ordinance or section to proceed, and a recovery under the same shall be a bar to any further proceedings, under any other provision, for the same offense.

SEC. 11. When in any ordinance any act shall be required to be done within a "REASONABLE TIME," or upon a "REASONABLE NOTICE," such reasonable time, or reasonable notice, shall be deemed to mean such time only as may be necessary in the prompt execution of such duty, or compliance with such notice.

SEC. 12. All ordinances passed by the city council shall be enrolled by the city clerk in the record book of ordinances, and shall be properly indexed by their titles or subjects, and he shall, without delay, cause any ordinance imposing any fine, penalty, for-

feiture, or imprisonment for a violation of its provisions, to be published for three days in the newspaper authorized to publish the ordinances of the city, with his certificate under the corporate seal attached, that the same is a "true and authentic copy of the original ordinance, and that it is printed and published by authority of the city council." He shall procure the affidavit of the printer or the publisher of the newspaper publishing the ordinances of the city, of the due publication of such ordinance, and attach the same to the original ordinance; or he may write and attest such affidavit, or any other competent proof of such due publication, upon the face of the record of ordinances.

SEC. 13. The city clerk shall file and preserve the originals of all ordinances in his office, and he may correct any errors in the numbering of any chapter, or section of any ordinance, and insert the proper numbers; and he may omit words inserted, or supply, with brackets, words omitted by clerical mistake. He shall attend to the printing of all ordinances requiring publication, or ordered to be published, and read the proof sheets thereof, and see that they are correctly and properly printed and published.

SEC. 14. All ordinances passed by the city council, and requiring publication, shall be in force from and after the due publication thereof, unless it shall be therein otherwise expressly provided. All ordinances not requiring publication, shall take effect and be in force from and after their passage, unless it shall be therein otherwise expressly provided.

PASSED May 22, 1856.

CHAPTER XXIII.

PAUPERS.

An Ordinance in relation to Paupers.

SECTION 1.* Any poor person who shall have actually resided in the city for thirty days immediately preceding his or her application, and who may be unable to maintain himself or herself in consequence of any bodily infirmity, idiotcy, lunacy, or other unavoidable cause, and shall have no relations required by law to support him or her, shall be provided for at the expense of the city, and shall receive such necessary support or allowance as the city council may prescribe.

SEC. 2.* The relations of such poor person, if any, or if of sufficient ability, shall be called upon and notified by the mayor or other proper officer, to support him or her, in the following order, to wit: 1st children; 2d parents; 3d brothers or sisters; 4th grand children; 5th grand parents. But if the person became a pauper from intemperance or other bad conduct, he shall not be entitled to receive support from any relative except parent or child.

Any relation of such poor person of sufficient ability, who shall, when so notified or required by the mayor or other proper officer, neglect or refuse to provide for the support of such poor person, shall be subject to a penalty of not less than two, and not exceeding five dollars, for each week he shall so neglect or refuse to provide for his or her support. But no suit shall be brought against any married woman for any penalty incurred under this section during the lifetime of her husband.

SEC. 3.* The mayor, shall, *ex-officio*, be overseer of the poor, and shall provide temporarily for the support of such persons applying therefor as may be legally entitled to relief; and he shall report to the regular monthly meetings of the city council, a list of

* Repealed, see Ordinance, Post II. The provision in Sec. 4, Art. XIII of the City Charter, requiring the city council to provide for the support of paupers belonging to the city, is repealed by Sec. 1, of Act of February 16, 1857. See Charter Amendments, No. III

all paupers received and discharged during the preceding month, with the age, sex, and infirmities of each; and the city council shall, if necessary, make provision for the further support of such paupers, and shall appropriate to the pauper fund such sum as may be deemed sufficient to meet the pauper expenses for the succeeding month; and the mayor may cause a warrant to be drawn on such fund for the temporary support of any pauper chargeable to the city, specifying the purpose for which it is drawn.

SEC. 4.* Before any person applying to the mayor for relief or support shall be entitled thereto or chargeable to the city, he or she or some credible person for him or her, shall make affidavit to the satisfaction of the mayor, that he or she has actually resided in the city for thirty days immediately preceding his or her application, that he or she is poor without means of maintainance and unable to obtain a livelihood from bodily infirmity or other cause, stating the cause, and has no relation required by law of sufficient ability who will support him or her. The mayor shall provide for the support of such poor persons as may be entitled to relief from the city, by sending them to the poor house or to such other place as may be provided for the poor of the city by the city council; or to such place as he may provide; or he may, in his discretion, grant a reasonable allowance towards their temporary support.

SEC. 5.* No person shall be aided or supported by the city when the city physician shall be of the opinion or the mayor shall be satisfied that such person is able to provide for his or her own maintainance or support; and whenever any person who may have been supported or aided by the city shall afterwards become able to pay for the same, he or she shall refund the amount so expended for his or her support; and upon neglect or refusal to pay the same after demand made, shall be sued therefor in the name of the city. And if any such person so having received aid or support from the city shall die leaving an estate, the city clerk shall make out an accurate account for the amount so expended in his aid or support, and file the same in the county court of the proper county for allowance against his estate.

* Repealed, see Ordinance, Post II.

SEC. 6.* When any resident of the city not being a pauper, shall be sick in the city, and without means to pay for his board, nursing, or medical attendance, the mayor may, upon application and satisfactory proof, provide whatever may be actually and reasonably necessary for such person, and if he should die, then he shall cause him to be decently interred; and all expenses incurred under this section shall be reported to the regular monthly meetings of the city council for approval.

SEC. 7.* When any resident of the city shall be unable, from any bodily infirmity entirely to maintain himself or herself, and shall have no relation of sufficient ability required by law to support him or her, the city council may in their discretion, from time to time, grant such allowance to such person as may be deemed necessary to aid him and prevent his becoming chargeable to the city as a pauper.

SEC. 8.* If any pauper not belonging to the city shall be provided for at the expense of the city, in order to prevent his suffering for the necessities of life, or through neglect or refusal of the county or city to which he belongs or is chargeable, after due notice to provide for his support, the expenses so incurred shall be charged to the county or city chargeable with such pauper, and shall be collected of such county or city by suit in the name of the city, upon neglect or refusal to pay the same when required.

SEC. 9.* The city shall not in any case (except in case of urgent necessity, or where the proper authority of the city shall neglect or refuse after due notice, to provide for the necessary support of any pauper legally chargeable to the city,) be liable for any charges or expenses incurred on account of any pauper or other poor person, unless the same shall have been incurred, by contract with or under the direction of the city council or of the mayor.

SEC. 10.* When any minor in the city shall habitually beg for alms, or shall become chargeable or be likely to become chargeable to the city by reason of being an orphan without means of support, or by reason of the inability, neglect, or refusal of the parent or

parents of such minor to maintain or support him or her, such minor may be bound by the mayor or any two aldermen as an apprentice, clerk, or servant, by indentures or covenants of service in the manner provided by law, until the age of eighteen if a female, and until the age of twenty-one if a male. But no female above the age of fifteen years shall be bound, and no minor shall be bound but to a humane, temperate, and responsible person; and a copy of the indentures shall be filed in the office of the clerk of the county court of Sangamon county, and in the office of the city clerk.

SEC. 11. Whoever shall knowingly bring, send, or leave any pauper not belonging to the city into the city, or shall aid or abet the same, or shall in any manner supply with means, or aid any such pauper or person likely to become a pauper, to come into or remain in the city in order that he or she may become chargeable to the city, shall, in each case, be subject to a penalty of not less than fifty dollars.

SEC. 12.* All persons receiving support or assistance from the city shall labor as much as is consistent with their health and strength, and shall at all times observe and obey the lawful and reasonable directions of the person having them in charge. They shall remain at the place provided for them and shall not leave the same (unless for good cause with the consent of the mayor), without the consent of the person having them in charge. If any person asking assistance or receiving support from the city, shall refuse to go to, or to remain at the poor house or other place provided for him, he shall not receive any assistance or support from the city so long as he shall refuse to go to or remain at such place, or shall refuse to obey the lawful directions of the person having him in charge.

SEC. 13.* The mayor may take such measures as may be deemed necessary to prevent the introduction of paupers into the city, and for the removal of paupers or persons likely to become paupers not belonging to the city; and he may expend such amount as may be necessary to accomplish this object in an

* Repealed, see Ordinance, Post II.

economical manner, and report the same to the city council for allowance.

IDIOTS AND INSANE PERSONS.

SEC. 14. If any idiot or lunatic be found in the city unprotected by guardian, friend, or relation, the mayor, if such person belongs to the city, shall immediately provide for his support, care, and comfort, at the expense of the city; but if such person shall not be chargeable to the city, he shall forthwith notify, in writing, the person or the proper officer of the county chargeable with him that he is unprovided for, and request such officer or person to take charge of and provide for such idiot or lunatic.

SEC. 15. When any lunatic found at large or unprotected, shall be so disordered in mind or furiously mad as to endanger the person or property of others, or his own person or property, the marshal or any other officer shall immediately take and confine him in some suitable place until proper provision can be made for him, and shall forthwith notify the proper officer, court, or person thereof, and all necessary expenses incurred thereby shall be collected of the officer or person legally liable therefor.

PASSED May 22, 1856.

An Ordinance amendatory of an Ordinance entitled "An Ordinance in relation to Paupers."

II.

SECTION 1. That an ordinance entitled "an ordinance in relation to paupers," passed May 22d, 1856, except the eleventh, fourteenth, and fifteenth sections thereof, be and the same is hereby repealed.

PASSED September 17, 1857.

CHAPTER XXIV.

POLICE DEPARTMENT.

An Ordinance organizing and establishing the Police Department.

SECTION 1. The police department of the city shall consist of the mayor, the aldermen, and police magistrates—who shall, *ex-officio*, be members of the police department—the city marshal and such police constables and watchmen as may be appointed by the city council.

SEC. 2. The city council may annually, at the time of appointing the other city officers, appoint by ballot one or more police constables, not to exceed one for each ward, who shall, unless it may be otherwise specially provided, possess the same powers, perform the same duties, and be subject to the same liabilities as the city marshal.

SEC. 3. The city council may, when deemed expedient, appoint by ballot a competent number of watchmen to continue in office during the pleasure of the city council, and to be subject to removal at any time by the mayor, for good cause. The watchmen shall have and exercise all the powers, perform all the duties, and be subject to all the liabilities incident to the office by law, or such as may be prescribed by ordinance.

SEC. 4. Each police constable or watchman shall, before entering upon the discharge of the duties of his office, take and subscribe the oath required by the city charter of other city officers, and may be required by the city council to execute bond to the city, conditioned as in the case of other city officers, and in such sum, and with such sureties as they may prescribe by order or resolution. The bond and oath of office shall be filed in the office of the city clerk. Watchmen and police constables shall receive such salary or compensation as may be provided by the city council.

SEC. 5. The mayor shall exercise a general supervision and control over the police department, and shall see that the various police officers are prompt and efficient in the discharge of their duties ;

and he shall from time to time take such measures for the preservation of the public peace and good order, and for the prompt and efficient execution of the laws of the state, and the ordinances of the city, as may be deemed most expedient and best to accomplish the purpose contemplated.

SEC. 6. The city marshal shall be the chief of police, and all police constables and watchmen, except when otherwise provided by ordinance, shall be subject to his direction and control.

The marshal and each police constable shall have an office or station in some convenient or central location, where he shall attend at all reasonable hours except when absent on duty; and all police officers shall render prompt and efficient aid to each other in the discharge of their duties.

SEC. 7. All members of the police department shall cause all the ordinances of the city to be observed and enforced, especially within their respective wards or districts. When any violation of law, or of any ordinance, shall come to the knowledge of any member of the police department, or be reported to him, he shall without delay cause the proper complaint to be made before a police magistrate or other competent court, and the proper witnesses to be summoned or evidence procured for the successful prosecution of the offender. The mayor or any alderman or police magistrate may, and all other police officers shall arrest, with or without process, any person who shall be found in the act of violating any ordinance of the city, and commit him for examination, and if necessary detain him in custody over night, or over Sunday, or place him in the county jail, city prison, or other secure place, until he can be brought before a police magistrate, or other competent court.*

* The city marshal of the city of Springfield has power to arrest without warrant any offender for any violation of any penal ordinance, committed in his presence. *Bryan vs. Bates*, 15 Ills. Rep. 87. *Main vs. McCarty*, 15 Ills. Rep. 441.

An arrest may be made for violating a city ordinance by keeping open a tippling house on the Sabbath. *Main vs. McCarty*, 15 Ills. Rep. 441.

An arrest for a breach of the peace need not be made immediately, and may be made after peace is restored and the affray over, or upon the information of an officer who was present witnessing it, after the affray is over. Same case.

A city ordinance authorising an arrest without warrant for breaches of the peace or threats of breaches is legal. Same case.

SEC. 8. Any police officer shall have power upon reasonable ground of suspicion, to enter peaceably, or if refused or resisted after demand made, by force, any house or other premises in which any person may be suspected to be for unlawful purposes, and may arrest without process any person who may be found therein, guilty or reasonably supposed to be guilty of any criminal act, and detain him in custody as in other cases until he can be brought before a competent court or magistrate.

SEC. 9. Police constables shall have power and authority to serve and execute all process for the apprehension or commitment of all persons charged with the violation of any ordinance of the city, and in all other cases arising under the charter or ordinances of the city, in the same manner and with the same powers as the city marshal, and shall be entitled to receive the same fees as are received by him in similar cases.

SEC. 10. The city supervisor shall have power to arrest without process in the same manner as police officers, all persons who may be found violating any ordinance in relation to the streets, alleys, or side walks.

SEC. 11. Whenever the mayor and the committee on police shall deem it necessary to establish a temporary night watch, or temporarily to increase the number of watchmen or police constables, they may appoint in writing under the corporate seal and the signature of the mayor, a suitable number of reputable and discreet citizens of the city as temporary watchmen or policemen, whose powers, duties, and liabilities shall be the same as other watchmen and police constables, and who shall take and subscribe the same oath, and may be required to execute bond to the city in like manner. The mayor shall report all such temporary appointments to the next meeting of the city council, and the city council may continue or discontinue the same in its discretion; and the persons so appointed shall receive such reasonable compensation as may be agreed upon, or as may be provided by the city council.

SEC. 12. The mayor may, when deemed necessary, detail the marshal or any police constable or watchman for the discharge of

any special police duty, and may require all police officers to perform police duty at any time of the day or night.

SEC. 13. The city marshal, subject to the approval of the city council, may make and establish such reasonable rules and regulations as may be deemed necessary for the efficient management of the police department, and he shall keep such records, books, and accounts pertaining to the duties of his office, and in such manner, as may be required by the city council, or the police or finance committees.

DIVISION II.—POLICE MAGISTRATES.

SEC. 14. All suits or actions for the recovery of any fine, penalty, or forfeiture, arising under the city charter or the ordinances of the city, where the amount sued for or in controversy does not exceed one hundred dollars, may be brought before any police magistrate of the city, or before any justice of the peace in the city designated by the city council.

SEC. 15. Before any suit shall be brought in the name of the city by any police magistrate, or justice of the peace, for any fine or penalty, the city attorney or other officer or person prosecuting, shall file a statement, signed by him, substantially as follows, to wit :

A. B.

To the city of Springfield, Dr.

To———dollars for a violation of the———section (or sections) (of the———division, or article, as the case may be,) of an ordinance of the city of Springfield, entitled (here set forth the title of the ordinance) passed on the———day of———185—(or of the city charter as the case may be), in this, to wit : that the said A. B., on or about the———day of———A. D. 185—, before the commencement of this suit, did at the city of Springfield, (or within the jurisdiction of said city,) (here state the particular violation or violations complained of as near as may be in the language of the ordinance, or of the city charter.)

Signed,

C. D.

SEC. 16. Upon affidavit being made by any person, of the violation of any ordinance by any other person, stating the nature of the violation, and that the offender is a non-resident of the city, or is about to leave or remove from the city, or that there is otherwise danger that the debt or penalty will be lost to the city, unless the offender be arrested and held to bail, stating the cause of such danger to the satisfaction of the court,—or if it shall appear from the affidavit that the offense committed is an assault, breach of the peace, or other offense in which a warrant is authorized to be issued by the laws of the state, a warrant may be issued for the arrest of the person accused as in other cases.*

SEC. 17. No process shall be necessary where the person is legally arrested without warrant and brought before the court; but the officer making the arrest shall, unless waived by the person arrested, return a written statement of the cause, time, and place of arrest, and a note thereof shall be entered upon the docket of the court. But in all cases the statement required by the fifteenth section hereof, shall be made out, signed, and filed as is therein prescribed.

SEC. 18. Any person who may be arrested by, or in the custody of any officer, for the violation of any ordinance of the city, may release himself from custody or imprisonment, by entering into bail or recognizance before such officer, or before any police magistrate, in such amount or with such surety or sureties as may be required of him, and conditioned that he will appear before the police magistrate, or court named therein, at the time named therein, and remain and answer the offense with which he stands charged, and await his trial thereon, and not depart the court without leave. The amount of the penalty of the bond or recognizance shall be proportioned to the offense charged, and such bond or recognizance shall be filed with the magistrate or court named therein, by the officer taking the same; and if the offender shall fail to appear, or shall otherwise fail to comply with the conditions thereof, the same shall be adjudged forfeited, and suit shall forthwith be brought thereon against the offender and his surety or sureties, for the full

* See secs. 22 and 95, Chap. 59, Rev. Stat., 1845.

amount of the penalty thereof, and judgment shall be rendered by the court for the same, and all costs, or for so much of such penalty as may be adjudged just and proper, upon examination of the facts of the case.

SEC. 19. All officers making arrests shall attend as witnesses before the police court, and shall procure all necessary evidence in their power, and furnish a list of all witnesses to the court or to the city attorney.

SEC. 20. Witnesses and jurors attending before any police magistrate, in any suit or action for any fine or penalty arising under the ordinances of the city, shall in case judgment is obtained against the offender and collected of him, be entitled to the same fees as in like cases before justices of the peace. But no costs of any kind shall be taxed against or collected of the city.

SEC. 21. The city attorney shall not be compelled to bring or prosecute any suit in any case where he and the court may be satisfied that the complaint is instituted maliciously, or vexatiously, and without any probable cause, and that the interests of the public or of the city will not be subserved thereby. And if any person charged with any offense, shall, upon his trial therefor, be acquitted, and it shall satisfactorily appear to the court that the complaint or prosecution was instituted maliciously, or vexatiously and without any probable cause, judgment may be rendered against the complainant or prosecutor for the costs arising in the case, and execution issued for the collection of the same.

SEC. 22. When any person shall be committed by any court or police magistrate, for the non-payment of any fine or penalty, the city marshal or any police constable may take such person from the county jail or other place of confinement, and deliver him with a copy of the execution, and with the amount of fine and costs, into the custody of the city supervisor, or of any other person having charge of any of the public works of the city. And the supervisor or such other person shall receive the person so committed, into his custody, and receipt for him to the marshal on the execution held by him, and shall enter in a book the amount of the fine and costs, and the number of days which the person will be required to labor to discharge the same, at the rate of one dollar for each day

he shall diligently labor ; and he shall compel such person to labor on the streets and alleys, or any other public works of the city, for ten hours in each day, and shall credit him with one dollar for each day he shall so diligently labor, and shall discharge him when he shall have labored out his fine and the costs.

SEC. 23. Any person so committed who shall refuse to labor, or who shall conduct himself in a riotous or disorderly manner, or shall refuse to obey the orders of the supervisor or other person having him in charge, or shall resist him, or attempt to escape, shall not be entitled to any credit on his fine, and may be re-committed to the county jail or other safe place of confinement until he shall consent to labor. If any such person shall escape he shall forfeit the whole of his labor performed, and if retaken shall work out the whole amount of the fine and costs for which he was originally committed.

SEC. 24. Any person committed may at any time pay the amount of the execution and costs, and upon such payment being made, or upon his working out the amount of the fine and the costs against him, or otherwise being entitled to his discharge, the marshal, supervisor, or other officer or person having him in custody, shall, if required, give him a written discharge and set him at liberty.

SEC. 25. The supervisor or other officer or person having any person so committed into his custody for the purpose of laboring out his fine and the costs,—shall furnish him with comfortable lodging and plain wholesome food, for which he shall be allowed forty cents per day, to be paid by the person so committed ; and if he shall not pay the same, it shall be paid by the city and charged to him, and labored out in the same manner as his fine ; or he may commit such person to the county jail or other secure place for safe keeping, when not laboring, and take him therefrom each day for the purpose of laboring.

SEC. 26. The supervisor, the marshal, or other officer having any such persons in custody, shall, from time to time, report to the city council the names, the amount of the fine, the manner of discharging the same, and the number of days' labor performed ; and

if any person so committed shall escape, the officer or person having him in custody shall immediately notify the mayor and marshal thereof, giving the marshal a description of such person.

SEC. 27. Until a city prison shall be provided or established by the city council, any person arrested or in custody for the violation of any law or ordinance of the city, may be placed in the county jail of Sangamon county for safe keeping, until he can be brought before a competent court or magistrate; and until a city work-house shall be established, any person committed in default of the payment of any fine, forfeiture, or penalty and costs recovered against him, may be confined in such county jail subject to labor as is herein required.

SEC. 28. The city marshal and police constables shall be allowed twenty-five per cent. of the amount of all fines not exceeding five dollars, and ten per cent. of the amount of all fines exceeding five dollars collected by them in cash, and paid into the city treasury, in lieu of all costs and charges against the city.

The police or other magistrates shall each be allowed twenty-five dollars per annum, payable quarterly, in lieu of all costs and charges against the city.

SEC. 29. Any police magistrate or other officer collecting fines or moneys on account of the city, shall pay the same into the city treasury as fast as collected. Each police magistrate before whom any suits may be brought in the name of the city, for the recovery of any fines or penalties, shall quarterly, on the first Mondays of March, June, September, and December in each year, report to the city council a list of all suits brought in the name of the city since his last report, with the disposition made of each case, the amount of the fine imposed, if any, the name of the officer charged with the collection of the same, by whom, and the amount collected, and the amount of per centage due to such officer; also the amount collected since his last report, upon any judgment for any fine rendered prior to such report, with the amount of the per centage due the proper officer thereon; and upon the approval of his report, the city council shall order the amount of per centage to be paid to the officer entitled thereto.

If any police magistrate shall neglect or refuse to hold a police court at any reasonable time when required, or shall refuse to accept the allowance made by the city council in lieu of all costs and charges against the city, or shall neglect or refuse to pay over any moneys collected by him, or to make his quarterly report as is herein required, the city council may order all suits in the name of the city, for the recovery of any fine or penalty, to be brought before some other police magistrate, or may designate one or more justices of the peace within the city who will agree to comply with the requirements hereof, and before whom all suits in the name of the city for the recovery of any fine, forfeiture or penalty shall be brought.

If any police magistrate or other officer shall neglect or refuse to pay over any fine, or any moneys collected by him on account of the city, legal proceedings may be commenced at any time to compel such payment.

PASSED May 22, 1856.

CHAPTER XXV.

RAILROADS.

An Ordinance in relation to Railroads.

SECTION 1. No railroad company, or conductor, engineer, or other employee of any railroad company, or other person managing or controlling any locomotive engine, car, or train upon any railroad track, shall, in the inhabited part of the city, run, or suffer or permit to be run, any such locomotive engine, car, or train, upon any such railroad track, at a speed exceeding six miles per hour, under a penalty of not less than five dollars.

SEC. 2. No railroad company or employee of any railroad company, or other person, shall leave or place, or suffer or permit to be left or placed, any locomotive engine or car upon any rail-

road track, at the crossing of any traveled street or alley intersecting such railroad, so as to obstruct the free passage way across the same, under a penalty of not less than five dollars.

SEC. 3. No railroad company, or conductor, engineer, or other employee of any railroad company, managing or controlling any locomotive engine or train, shall stop or permit to stop, any railroad train upon any railroad track, at the crossing of any traveled street or alley intersecting such railroad, so as to obstruct the passage way across the same for a longer time than ten minutes, unless such railroad company or its employees shall be necessarily engaged in the making up or switching off of their trains; and in that case the obstruction of the passage way across such railroad track shall not continue longer than is absolutely necessary in the diligent making up or breaking up of such trains; and such obstruction shall not, in any case, be continued to exceed one hour at a time, and shall not, unless the length of the train shall render it absolutely necessary, extend to more than one street crossing such railroad track at the same time; but the crossings of the adjacent streets, intersecting such railroad, shall be left open and unobstructed for the free passage of vehicles and persons. Any railroad company, or employee of any railroad company, who shall violate, or shall fail to comply with the provisions of this section, shall be subject to a penalty of not less than five dollars, upon the complaint of any person aggrieved thereby.

PASSED June 25, 1857.

An Ordinance allowing the right of way to the Alton and Sangamon Railroad Company,
on Third Street.

II.

SECTION 1. That the Alton and Sangamon Railroad Company, be and they hereby are allowed the right of way in Third Street, in said city, throughout its whole length and width, except a strip ten feet wide on each side of said street, in front of all property on said street but their own, for side walks, so far as may be necessary for the construction, completion, operation, and convenient

enjoyment of their railroad within and upon said street : *Provided*, That said company shall not erect any building within or upon said street ; that said company shall so grade, level, and bridge said street, on at least one side of their track, as to be at all times conveniently passable for teams, with convenient access to and from the same, on both sides thereof, at each street and alley crossing said track ; that said company shall make, construct, and at all times keep in repair, sufficient and suitable culverts, ditches, and whatever else shall be needful for the complete drainage of said Third street ; that the locomotives, cars, etc., of said company shall not, while within the limits of said city, move at a greater speed than the rate of six miles per hour : *And provided, further*, That said city does not assume to make compensation for any injury which may be done to private property by said company ; and does not assume to interfere with any legal claim for damages which the owners of private property may at any time have against said company.

PASSED March 20, 1851.

An Ordinance amendatory to the Ordinance allowing the right of way to the Alton and Sangamon Railroad Company

III.

SECTION 1. That the ordinance in relation to the Alton and Sangamon Railroad Company, allowing said company the right of way, in part over and upon Third street, passed March 20, 1851, be so amended as to require said company, in the construction of culverts, bridges, ditches, and whatsoever else shall be useful and needful for the complete drainage of said Third street, to do, execute, and perform the same in conformity to, and with the directions of the city council of said city.

PASSED June 26, 1851.

An Ordinance relating to the subscription of Fifty Thousand Dollars to the Capital Stock of the Springfield, Keokuk and Warsaw Railroad Company.

IV.

SECTION 1. That in order to ascertain the wishes of a majority of the legal voters of the city in relation to the subscription by the

city council of the city of Springfield, in behalf of said city, of fifty thousand dollars to the capital stock of the Springfield, Keokuk and Warsaw Railroad Company, polls shall be opened at the usual places of voting in each of the wards of the city, from eight o'clock, A. M. until six o'clock, P. M., on Saturday, the 15th day of August next, for the purpose of submitting to the legal voters of the city the proposition "for or against" the subscription by the city council of the city of Springfield, in behalf of said city, of fifty thousand dollars to the capital stock of the Springfield, Keokuk and Warsaw Railroad Company; the subscription by said city to said capital stock, to be paid in the bonds of the city of Springfield, payable in twenty years, with interest at the rate of eight per cent. per annum, payable semi-annually, out of a special tax fund to be levied and collected for that purpose by the city council of the city of Springfield, and the principal and interest payable at the city of New York or at the city of Springfield, at the option of said company; the bonds to be taken by said company at par value, and to be issued only for the amount required to be paid at the time of subscription, and for the amounts and at the times when assessments upon all the stockholders of said company shall be regularly assessed and payable: *Provided*, that no subscription to said stock shall be made until the city council shall receive satisfactory evidence that a sufficient amount of bona fide stock (including said fifty thousand dollars,) has been subscribed to grade, bridge, purchase and lay down the ties on said road: *And provided*, said railroad company shall, by contract, irrevocable without the consent of the city council, fix its depot within one half mile of the State House square: *Provided, further*, that no subscription of stock to said road shall be made unless the foregoing terms are complied with in twelve months from the 15th day of August, 1857. The stock, when subscribed, shall be under the control of the city council, in the same manner in all respects as stock owned by individuals, and the bonds shall be issued for such amounts, and in such manner, as may be hereinafter provided by ordinance.

SEC. 2. The city clerk shall give at least thirty days' notice of the time and place of opening and closing of said polls, by publish-

ing an advertisement in the daily papers of the city, and also by causing written or printed notices to be posted up in at least three of the most public places of each ward. The notices shall contain a copy of the first section of this ordinance, and may be substantially as follows, to-wit :

ELECTION NOTICE.

Public notice is hereby given, that an election will be held in each of the wards of this city, on Saturday, the 15th day of August next, for the purpose of submitting to the legal voters of the city the proposition, for or against the subscription by the city council of the city of Springfield, in behalf of said city, of fifty thousand dollars to the capital stock of the Springfield, Keokuk and Warsaw Railroad Company, in accordance with the provisions of the first section of an ordinance of said city, entitled "an ordinance relating to the subscription of fifty thousand dollars to the capital stock of the Springfield, Keokuk and Warsaw Railroad Company," passed July 6th, 1857, as follows : [Here set forth the first section of the ordinance in full.]

Polls will be opened at eight o'clock, A. M., and continue open until six o'clock, P. M., of said day, in each of the wards of the city, at the following places, to-wit :

In the first ward, at the Journal Buildings ;

In the second ward, at the Chenery House ;

In the third ward, at the National Hotel ;

In the fourth ward, at the American House.

Dated this———day of———, A. D., 185—.

—————City Clerk.

SEC. 3. The voters shall cast their ballots, "For Subscription," or "Against Subscription;" and the ballots shall be counted and the returns made to the city council in the same manner as in other elections. And if a majority of the legal voters of the city shall be in favor of such subscription, taking as a standard the number of votes cast at the last general city election, such subscription shall be made by the city council.

SEC. 4. This election shall be held and conducted under the

supervision of the judges of city elections, and they shall be notified thereof by the city clerk.

PASSED July 6, 1857.

CHAPTER XXVI.

SCHOOLS.

An Ordinance in relation to the Public Schools.

DIVISION I.—PUBLIC SCHOOLS.

SECTION 1. Until otherwise, provided, each ward of the city shall constitute a school district, and shall be designated the first ward as the first district, the second ward as the second district, the third ward as the third district, and the fourth ward as the fourth district.

SEC. 2. The buildings erected on the lots purchased for public school purposes, in the first and third districts, shall be established and opened as public school houses, and public schools maintained therein for the free instruction of all the white children of the district who shall attend the same, or be sent thereto, subject to the regulations herein contained, or such as may be prescribed by the board of school inspectors, or by the city council. As soon as is practicable, public school buildings shall also be erected on the lots heretofore purchased for public school purposes in the second and fourth districts, and public schools established therein in like manner; and until such buildings shall be erected and opened for public schools, said districts shall be attached to the first and third districts, in such manner as the city council or the board of school inspectors may prescribe.

SEC. 3. The city council shall annually appoint by ballot seven inspectors, who shall be called "the board of school inspectors," and who shall have the entire control, superintendence, and charge of

the public schools. They shall appoint one of their number chairman, and another secretary, and the city clerk shall provide him with suitable books at the cost of the city, in which he shall keep a faithful record of all the proceedings of the board; and he shall file and preserve all records, vouchers, and papers pertaining to the transactions of the board, and at the expiration of his term of office the same shall be delivered to his successor in office, or to the city clerk, to be delivered by him to such successor.

SEC. 4. The board of inspectors shall hold regular monthly meetings, and may call special meetings at any time; and none of the powers herein conferred shall be exercised except at regular or special meetings of the board. A majority of the members of the board shall constitute a quorum for the transaction of business, and they may make and establish such by-laws, rules and regulations for their own government, and for the establishment and maintenance of a proper and uniform system of discipline and tuition in the several public schools, as they may deem necessary or expedient.

SEC. 5. They may employ the necessary teachers for the public schools, but shall examine or cause to be examined all persons applying for situations as teachers, and shall be satisfied that they are competent to teach the branches of education taught in the public schools, and that they are of temperate habits and good moral character. No contract or engagement shall be made with any teacher for a longer period than one year.

They may classify the teachers as principals, and first, second, and third male or female assistants, and so on, or in such other manner as they may prescribe.

The salaries of teachers shall be fixed from time to time by the city council in accordance with the recommendation of the board of inspectors, who shall be governed by the qualifications of teachers, their success in teaching, and the number of pupils they can successfully and thoroughly teach.

They may remove or discharge any teacher whom they may deem incompetent, or whenever, from any cause, they may deem the interests of the schools to require such discharge or removal.

SEC. 6. They shall prescribe the studies to be taught, the books and apparatus to be used, and the method and course of instruction and discipline in the public schools, and see that the same is properly conducted and maintained.

They shall visit the public schools at least monthly, and as much oftener as their other duties will admit, and inquire into the government and discipline thereof, and the progress of the pupils. They shall pay particular attention to the proper classification of the pupils in the several schools, and to the apportionment of the prescribed studies, and shall endeavor to remedy all defects and make all needed improvements.

SEC. 7. The board of inspectors shall regulate the manner of granting permits to pupils to enter the public schools of the city, but shall not authorize the granting of a permit to any pupil to enter the public schools unless the parent, guardian, master, or mistress of such pupil shall be *bona fide* and actually a resident of the city, or entitled to admission into the public schools under the provisions of the seventeenth section hereof.

They may apportion the pupils among the several public schools so as to equalize the number in each school; and may grant permits to pupils to enter at any time during the quarter, or to attend school out of the district in which they reside; but no pupil shall attend without such permission, and the inspectors shall not grant permits so as to render the number of pupils apportioned to the several schools so unequal as to be injurious to the interests of any of them.

They may suspend or expel any pupil for any misconduct or gross misbehavior, should they deem the interests of the school to require such suspension or expulsion; and no pupil after being expelled shall attend any of the public schools without their express permission.

SEC. 8. The board of inspectors shall at the end of each term or quarter, report to the city council the condition of the public schools, the number of pupils taught therein for the preceding term or quarter, the studies and branches taught, the progress and improvement made, and such other information as may be necessary

for a full and complete understanding of the condition of the public schools.

They shall report to the city council at the end of each school year, a statement of the number of pupils instructed in the public schools of the city during the preceding year, the several branches of education pursued in such schools, the receipts and expenditures of each, specifying the sources of such receipts and the objects of all expenditures, and such other matters in relation to the public schools as they may deem of general interest; and the city council may cause to be added to such report such additional statistics and information as they may deem of general interest, and shall cause the same to be published in the newspaper publishing the ordinances of the city.

The board of inspectors may cause their proceedings to be published in the newspaper publishing the ordinances of the city whenever they may contain any thing of general interest.

SEC. 9. They shall, when required by the city council, report and furnish all the information in their power concerning the public schools, and shall, from time to time, recommend such measures in relation to the alteration of the classification of teachers, or of pupils, the increase or diminution of the number or compensation of teachers, the establishing of additional schools or districts or altering the same, the improvement or alteration of the school buildings, furniture, or apparatus, or such other matters in relation to the public schools as they may deem expedient.

SEC. 10. They shall, on or before the second Monday of October in each year preceding each regular session of the general assembly of the state, or annually, if required by the state superintendent of public instruction, cause to be made out and returned to the school commissioner of Sangamon county, the statement and report required by the eighty-third and thirty-eighth sections of the general school law of the state.*

As soon after such return as the amount shall be received and

* The above sections, 38 and 83, are repealed by the act of February 16, 1857, and substantially re-enacted. See Sections 36 and 78 of State School Law of 1857. Appendix No. 4.

apportioned by the school commissioner of Sangamon county, the city clerk shall annually apply to the school commissioner and receive from him the distributive portion of the school, college, and seminary fund, to which the city as a school district is entitled by law, and shall pay the same to the city treasurer taking his receipt therefor and charging him with the amount thereof; and the treasurer shall credit the same to the city school fund.

SEC. 11. The board of inspectors may contract for fuel or other necessities for the use of the public schools, and upon the filling of the proper vouchers for the same signed by their chairman, the city clerk may draw his warrant on the treasurer therefor payable out of the proper fund. But they shall not cause any other expenditures except for necessary repairs of the buildings, fences, furniture, or apparatus, without the consent of the city council; and all such expenses shall be reported by them to the city council for allowance. The city clerk shall provide all necessary stationery, blanks, printing, or other articles for the use of the board, upon the proper requisition of the chairman of the board.

SEC. 12. Each person who shall be appointed a teacher in the public schools shall, before entering upon the discharge of his or her duties, subscribe a declaration substantially as follows: "I do solemnly declare and promise that I will, to the best of my ability, perform the duties required of me as a teacher in the public schools of the city of Springfield."

SEC. 13. The principal of each school shall have the custody and charge of the school building and grounds, and shall cause the same and the fences, fixtures, furniture, and apparatus to be kept and preserved in good order and condition, and free from injury or deface.

SEC. 14. He shall, at the end of each month, while the public schools shall be in operation, report to the board of inspectors, a schedule showing the number of days he and each of the teachers under his charge have been engaged in teaching during the month, the number of pupils in attendance each day, the total number of pupils in attendance during the month, and the total number of days' attendance of each pupil. Upon the approval of the schedule

by the board of inspectors, the chairman shall certify the amount due to each teacher to the city clerk, who shall draw his warrant on the treasurer in favor of each teacher for the amount certified to be due him or her.

The schedules of teachers shall be made out in accordance with the directions of the board, and shall conform as far as is practicable with the schedules required by the general school law of the state.

SEC. 15. The terms or quarters of the public schools shall begin and end at such times as the board of inspectors, with the concurrence of the city council, shall direct. School shall be taught five days in each week, and during such hours as the board shall from time to time prescribe.

SEC. 16. The board of inspectors and teachers shall, as far as is practicable, inform themselves in all matters pertaining to public education, and to the organization, discipline, and instruction in public schools, in order that the system of public instruction may be improved, perfected, and rendered most efficient; and to that end the teachers shall from time to time recommend to the board of inspectors, such changes in the discipline, organization, or course of instruction, or such other matters as their experience may suggest.

SEC. 17. Any person owning real estate or residing within two miles of the city may, with the consent of the city council, and upon his agreeing to have his land and other property assessed and taxed for school purposes in the same manner in which property within the city is assessed and taxed for like purposes, be annexed to the school district nearest his land or residence, and have access to the public schools in the same manner as citizens of the city.

Pupils residing without the city and not annexed to any school district may, with the consent of the board of inspectors, attend in such district as may be designated, upon payment of such sum as may be fixed by the board, which sum shall be paid on the order of the city clerk to the treasurer, and credited to the school tax fund. But the board shall not admit such pupils to such an extent as to prejudice the interests of city pupils.

SEC. 18. The city council shall allow negroes and others not being white persons, a portion of the school taxes collected, equal to the amount paid by them, toward the support of their own schools; and their schools, when organized, shall be subject to the general supervision of the board of school inspectors in like manner as the other public schools of the city.

DIVISION II.—SCHOOL AGENT.

SECTION 1. There shall annually be appointed a school agent, who shall have the custody and management of the moneys, securities, and other property belonging to the school fund of the city. He shall, before entering upon the duties of his office, give bond in such sum and with such sureties as may be approved by the city council, conditioned that he will faithfully execute the duties of his office, and account for and pay over and deliver all moneys, securities, and other property received by him on account of the city, or of the school fund.

SEC. 2. He shall make no loan of the school fund for a longer time than one year, without the consent of the city council. He may in his discretion collect, sue, or secure any demand due the school fund. When any loan or the security thereon shall, before it is due, be deemed by him insecure, he shall, without delay, notify the city council thereof, who if they shall be of the like opinion, shall order him to notify the person indebted to give additional security therefor; and upon his default to do so, suit may be commenced forthwith for the recovery thereof. The city attorney shall bring and attend to all suits for or on account of the city school fund.

SEC. 3. The school agent may receive payment of any judgment, mortgage, note, or other security due the school fund, and release or discharge the same of record or otherwise in the name of and as the agent of the city, and all such discharges or releases shall be valid.

He shall give duplicate receipts for all moneys or securities received by him on account of the school fund, one of which shall be

filed with the city clerk who shall charge the same to him and credit the proper account.

He shall pay into the city treasury all sums received by him on account of interest on the loan of the school fund, and the treasurer and clerk shall credit him with the same, and charge the proper account.

He shall quarterly, on the first Mondays of March, June, September, and December in each year, and oftener if required, report to the city council a full and complete statement of the school fund in his hands, and the receipts and disbursements since his last report.

SEC. 4. The school taxes collected shall be paid into the city treasury by the assessor and collector in the same manner as other city taxes, and the treasurer shall credit the school tax account therewith, and the same shall be exclusively appropriated and expended for school purposes; and should there at any time be any unexpended or unappropriated surplus thereof, or of interest arising from the school fund, the same shall be paid over to the school agent by the treasurer, and form a part of the school fund.

The treasurer shall charge to the school fund all warrants paid by him drawn thereon, and he shall, on the first Monday of each month, report to the city council a full and complete statement of the condition of such account, specifying the sources of all receipts, and the purpose of all expenditures for the preceding month.

PASSED June 17, 1856.

CHAPTER XXVII.

CORPORATE SEAL.

An Ordinance defining and establishing the Corporate Seal of the city.

SECTION 1. The corporate seal of the city of Springfield shall be of circular shape, one and seven eighths inches in diameter,

with the device of the state capitol surrounded with a scroll, inscribed with the words “CORPORATE SEAL OF THE CITY OF SPRINGFIELD, 1840,” in Roman capitals, engraved on the face thereof.

SEC. 2. The city clerk shall prepare all commissions or other official documents required to be issued, and affix the corporate seal thereto, and attest or countersign the same. He shall affix the corporate seal to all official acts of the mayor requiring it, and if necessary attest or countersign the same. He shall certify under the corporate seal copies of any records, documents, or papers in his office, when required by any officer or other person. But in no case shall the impression of the corporate seal be binding upon the city, unless it be authorized by the charter or ordinances of the city, and is attested by the signature of the city clerk.

PASSED May 14, 1856.

CHAPTER XXVIII.

SEWERS.*

An Ordinance in relation to Sewers, and establishing the first Sewerage District.

SECTION 1. Whenever a majority in number of the owners of the real estate situated and embraced in any sewerage district es-

* The above ordinance in relation to Sewers, was passed subsequent to the revision of the city ordinances, but was directed to be inserted in its proper place by the provisions of the following ordinance :

An Ordinance supplemental to an Ordinance entitled “an Ordinance in relation to the Revised Ordinances of the City.”

SECTION 1. *Be it ordained by the city council of the city of Springfield :* That the ordinance entitled “an ordinance in relation to Sewers and establishing the First Sewerage District,” passed December 7, A. D. 1857, be incorporated with the Revised Ordinances of the city, and inserted under the proper head and chapter in the volume of Revised Ordinances now in process of publication.

PASSED December 7, 1857.

tablished by ordinance, shall petition to the city council for the construction, extension, enlargement, or alteration of any sewer or part of sewer within such district, the city council may, by ordinance, order and direct and provide for the construction, extension, enlargement, or alteration of such sewer, by letting the same by contract in the same manner as the other public works of the city, or in such other manner as may be prescribed; and to defray the cost of the construction, extension, enlargement, or alteration thereof, a tax not exceeding five mills to the dollar per annum, shall be annually levied and assessed upon the real estate within such sewerage district, according to the assessed valuation thereof, and collected in the same manner as other general city taxes, until the total cost of the construction of such sewer, or the debt with the interest thereon which may be incurred therefor, shall be fully paid. And such tax shall be a lien upon the real estate of the district in which it is levied and assessed.

SEC. 2. The mayor, when authorized by ordinance, may, with the concurrence of the committee on streets and alleys, borrow money upon the credit of the city, to such amount as may be necessary to defray the cost of the construction of the sewers ordered in any sewerage district of the city, and issue, sell, or dispose of the bonds of the city therefor to the best advantage. Such bonds shall be designated "Sewer bonds of District No.—," (according to the number of the district for which the same were issued,) and shall be dated the day of the issuing or delivery thereof, and signed by the mayor and city clerk under the corporate seal, and shall be payable either in gross or by installments, in not less than three, nor exceeding ten years, and bear interest at not exceeding the rate of interest authorized by the city charter, payable as may be agreed upon, not oftener than semi-annually; and the principal and interest payable at such place within the United States, to be named on the bond, as may be agreed upon.

SEC. 3. The principal and interest which may become due upon such bonds, shall be payable from the special tax of five mills to the dollar per annum, upon the assessed valuation of all the real estate within such sewerage district; which tax shall be thereafter

annually assessed and levied thereon, and collected therefrom, until the whole of the principal and interest accruing and due upon such bonds shall be paid.

The proceeds arising from the sale or disposition of such bonds shall be paid into the city treasury to the credit of the sewerage district for which the bonds were issued or sold, and shall be exclusively expended and applied towards the construction of the sewers ordered in such district.

SEC. 4. The city clerk shall annually enter in the appropriate column in the assessors and collectors warrant, the tax of five mills to the dollar, upon the assessed valuation of all the real estate within any sewerage district, herein provided for, or such percentage thereof as may be necessary to meet the payment of any installment of principal and interest for that year; and such tax shall be collected by the assessor and collector, in the same manner in all respects as general taxes, and paid into the city treasury to the credit of the sewerage district paying the same, and the treasurer shall keep a separate account thereof.

SEC. 5. The city engineer or other officer having charge of the construction of any sewer shall, from time to time, when required by the city council, or the mayor, report the cost and progress thereof; and he shall, without delay, after the completion of such sewer, report the total cost thereof to the city council. The city clerk shall keep a separate account with each sewerage district, and such district shall be charged with all expenditures made on account of the construction of sewers therein, and credited with all taxes or moneys received on account thereof.

SEC. 6. All sewers ordered and provided for by the city council, shall be constructed of such form—either circular or oval, or with the inverted flat arch at the bottom and semicircular arch at the top—and with such dimensions, and materials of the best quality, laid in such manner, and to such thickness, and grade, and depth below the surface, as the committee on streets and alleys may prescribe, or as may be provided by ordinance. All sewers shall be laid to such depth below the grade of the street as will effectually drain such lateral sewers as may be conducted thereinto,

and the cellars and grounds of the lowest part of the district in which they may be located; and suitable "wells," "man holes," "stench traps," and "inlets," properly secured with coping stones, iron grates, or plate covers, shall be constructed, where necessary, at proper intervals. If any sewer will probably require to be extended, or the construction of lateral sewers leading thereinto, it shall be built with reference to such extension or lateral sewers; and suitable openings shall be left in the sides of such sewer, at and under the intersections of the streets crossing the same, to admit of the proper connections with such lateral sewers as may thereafter be constructed in such cross streets. Such openings shall be sustained by a brick arch or ring, and the spaces filled with brick, so laid as to be capable of removal without injuring the sewer or arch. For the purpose of carrying off the surface drainage, suitable grated openings shall be made at proper distances, at the intersections of the curbs of the side walks along the streets or alleys. Such openings shall be vertical, and in a line with the curb of the sidewalk, and shall be securely roofed or covered with cast iron or stone or other suitable material—laid level with the sidewalk, and capable of being easily removed or replaced when required—and shall connect with pipes or lateral drains, of such construction and dimensions laid with such descent or grade as will carry all the surface water into the sewer.

SEC. 7. The drainage of all private property into the sewers constructed by the city, shall be effected by lateral sewers of the best and most substantial construction, or by suitable conduit pipes of iron or other suitable material; which shall in all cases be made by the city engineer or under his superintendence, at the cost of the person applying therefor; and when constructed by the city engineer, he shall require the person applying for the same to deposit in advance the probable cost thereof with the city treasurer, or give bond with such surety or sureties as he may approve, conditioned for the prompt payment of the reasonable and proper costs of such private drain or sewer, upon the completion thereof.

SEC. 8. All lateral sewers at their intersections with the main sewer, shall, if necessary, be curved towards the lower end of the

main sewer, so as to lessen the obstruction of the current in the main sewer, by the influx from the lateral sewers.

SEC. 9. All repairs which may become necessary to any main or lateral sewer in any sewerage district, shall be made at the expense of the real estate in such district, and such costs and expenses shall be levied and assessed against and collected of the real estate within such district, according to the assessed valuation thereof, in the manner herein prescribed for the construction of sewers.

SEC. 10. No person shall construct, or cause or permit or procure to be constructed, any private drain or sewer from any premises or otherwise, and leading into any sewer built by the city, without the consent of the city engineer, or unless under his supervision, or otherwise than in the manner directed by him, under a penalty of not less than twenty-five dollars; and such person shall likewise be liable for all damages to any public sewer which may arise from the building of such unauthorized private sewer or drain.

SEC. 11. No privy or cesspool shall be drained or emptied into any public sewer, under a penalty of not less than fifty dollars for each offense, and a like penalty for each week the same may be continued.

SEC. 12. All petitions of the owners of real estate in any sewerage district, for the construction of sewers therein, shall be filed and preserved by the city clerk in his office.

SEC. 13. The city engineer shall keep a map in his office, upon which shall be platted and shown, the sewerage districts numbered as is herein required, with the location of the sewers therein, and their dimensions, openings, inlets, and connections.

SEC. 4.* The north halves of blocks numbered twenty-seven, thirteen, fourteen, and fifteen, and the north half of the State House square, and the south halves of blocks numbered nine, ten, eleven, twelve, and twenty-eight, all in the original town plat of

* The first sewerage district was established by an ordinance entitled "An Ordinance establishing the first sewerage district," passed August 7, 1857, all the provisions of which are incorporated in the above ordinance.

the town (now city) of Springfield, shall constitute and be designated the "FIRST SEWERAGE DISTRICT" of the city.

SEC. 15. A majority in number of the owners of the real estate situated within said first district, having petitioned for the construction of the requisite sewers therein, it is ordered that a brick sewer, having a capacity equal at least to a circular diameter of three feet, be constructed in said district under the direction of the city engineer, and the committee on streets and alleys, and in such manner as they shall prescribe; beginning at or near the west line of eighth street, and extending from thence along Washington street, until it shall connect with the sewer already constructed across said street, at or near the west side of third street.

SEC. 16. The cost of the construction of said sewer shall be charged against and collected of the real estate within said first district, (except the State House square), in conformity with the provisions hereof, and a special tax, not exceeding five mills to the dollar per annum, shall be annually assessed and levied against and collected upon the assessed valuation of all the real estate within such district (except the State House square), until the entire cost of the construction of such sewer shall be paid, or until the debt and interest accruing thereon, incurred by the construction of such sewer, shall be fully paid.

SEC. 17. The mayor is hereby authorized to borrow such sum of money, on the credit of the city, as may be necessary to defray the costs of the construction of such sewer, and issue the bonds of the city therefor in accordance with the provisions hereof, either with or without coupons for the interest attached thereto; and the proceeds arising from the sale or disposition of such bonds shall be paid into the city treasury, to the credit of such district, and exclusively expended in the construction of the sewer herein provided for.

PASSED December 7, 1857.

CHAPTER XXIX.

SIDEWALKS.

An Ordinance in relation to Sidewalks.

SECTION 1. All sidewalks shall be laid to the established grade, or if no grade shall be established, to such temporary grade as may be given by the city engineer. They shall be built of good hard paving bricks laid in "herring bone" manner, upon a bedding of sand not less than four inches in depth, or with good stone flagging dressed to an even edge and closely laid together, and evenly dressed upon the upper surface, and well embedded in sand, or with good sound white or bur-oak or pine plank, not less than two inches in thickness, laid crosswise with the sidewalk, (unless otherwise specially directed in the order), and firmly set upon and well spiked to suitable bearings or stringers of not less than three by four inch white or bur-oak scantling, so let into the earth or filled in between as to form an even grade; and all sidewalks shall be laid with a slope towards the curb of one third of an inch to the foot. When built to the full width, a good and substantial stone curbing let into the earth at least twelve inches below the grade of the gutter, or a curbing of good three inch white or bur-oak plank, well tied and spiked to substantial posts placed on the inside thereof, shall be laid on the outside of the sidewalk. Suitable wagon crossings of at least seven feet in width, and extending across the sidewalk, shall be constructed when necessary, of at least two inch plank, laid evenly and lengthwise with the sidewalk.

SEC. 2. The city supervisor shall superintend the construction of all sidewalks, and shall require them to be built of the materials and in the manner herein prescribed; and if any sidewalk shall not be so constructed and laid, he may require that it be properly relaid in compliance herewith; and if the person whose duty it is to do the same shall neglect or refuse to comply with his order, he may cause such sidewalk to be properly relaid without delay, and shall report the costs thereof to the city council for allowance, and

assessment and collection as in other cases ; or he may report such sidewalk to the city council in the same manner as if it had not been laid.

SEC. 3. Sidewalks may be laid on streets seventy-six feet and upwards in width, twelve feet wide ; on streets less than seventy-six feet in width and over fifty feet, ten feet wide ; and on streets less than fifty feet, eight feet wide. But the sidewalks on the east side of Fifth street in Knapp's addition, may be laid to the width of six feet, and on the west side of said street opposite thereto, may be laid to the width of twelve feet. And the connecting sidewalks along any street upon the same block or half block shall be built of the same materials and of uniform width.

SEC. 4. The city council may, by the passage of an order to be entered upon the journals by the city clerk, require the sidewalks in front of or adjoining any premises (describing the same,) along any street or part of street, to be laid, relaid, or widened, to such width, and with such materials, and within such time, as may be designated in the order. Unless a different width shall be specified in the order, they shall be laid to the full width. The order may be substantially as follows, to wit :

“ Ordered that a (brick or plank as the case may be) sidewalk, (or sidewalks) ———feet wide, be, by the ———day of——— next (or instant,) constructed and laid in conformity with the ordinance in relation to sidewalks, to (the established or temporary) grade, on the———side of———street, in front of (or adjoining) the following described premises, to wit :”

SEC. 5. The city clerk shall, without delay, after the passage of any order for sidewalks, give notice thereof by publishing for three days at least an advertisement in the newspaper publishing the ordinances of the city, stating in such advertisement the side of the street on which, and describing the premises in front of or adjoining which such sidewalks are required to be laid, the day on or before which they are to be built, and the width, when less than the full width, and materials thereof. The notice may be substantially as follows, to wit :

“ SIDEWALK NOTICE.

CITY CLERK'S OFFICE,
Springfield, ———185— }

Notice is hereby given that the city council of the city of Springfield has ordered a (brick or plank as the case may be) sidewalk, (or sidewalks) ——— feet wide, to be constructed and laid to (the established or temporary) grade, on the ——— side of ——— street, by the ——— day of ——— next, (or instant,) in front of or adjoining the following described premises, to wit :

“ Now, unless the same shall be built within the time and in the manner above mentioned, and as required by the ordinance in relation to sidewalks, the city supervisor will cause such sidewalks to be built, and the costs and expenses thereof will be assessed against the premises chargeable therewith.

—————City Clerk.

If other sidewalks have been ordered they may also be embraced in the same notice.

SEC. 6. The city clerk shall also, without delay, after the passage of any order for sidewalks, cause a copy thereof to be delivered to the city supervisor, who, upon receipt of the same, shall, without delay, notify any known owner of each separate lot or premises, or his agent, or any other person whose duty it is by any lease, contract, or otherwise, to build such sidewalk ; or if no owner or his agent or other person liable therefor, can be found in the city, any occupant of the premises, by delivering to him, (or each of them in his discretion,) or leaving at his usual abode or place of business, with some clerk, partner, or member of the house or household, above the age of ten years, a notice describing the premises in front of or adjoining which the sidewalk is ordered, and stating the grade, width, and materials thereof, and the day by which it is required to be laid ; and if he shall neglect to notify any known owner, or his agent, or occupant or other person whose duty it is to build such sidewalk, as is herein required, he shall be subject to a penalty of five dollars in each case. The notice may

be written or printed or partly both, and may be substantially as follows, to wit :

“ CITY SUPERVISOR’S OFFICE,
Springfield, ——185— }

“ To Mr. ——,

“ You are hereby notified, that the city council of the city of Springfield has ordered a (brick or plank) sidewalk, —— feet in width, to be laid to (the established or temporary) grade, along the front (or —— side) of lot No. ——, block No. ——, (of the original town or of any addition thereto as the case may be,) in conformity with the ordinance in relation to sidewalks.

“ Now, unless such sidewalk shall be constructed and laid in the manner required by ordinance, by the —— day of —— next (or instant,) (the day to be thirty days at least from the delivery of the notice,) the undersigned will cause the same to be constructed and laid, and will report the costs and expenses thereof to the city council for allowance and assessment against the premises chargeable therewith.

—————City Supervisor.”

SEC. 7. If the owner of any lot or premises, or his agent, or any person whose duty it is to build such sidewalk, is not a resident of the city, the supervisor shall send such notice to him by mail, directed to him at the post office at which he usually receives his letters, if known ; but the notice published by the city clerk in the newspaper publishing the ordinances of the city, shall be deemed a sufficient notice to all persons whether resident or non-resident.

SEC. 8. All sidewalks shall be built by the owner of the adjoining premises, or by any other person who may be liable to build the same by any contract or agreement with the owner or otherwise, within the time specified by the order of the city council ; or if no time be specified in the order, within thirty days after the giving of notice by the supervisor as is herein required ; but if no owner or other person liable therefor can be found by the supervisor, they shall be built within the time specified in the notice published by the city clerk in the newspaper publishing the ordi-

nances of the city, which time shall be at least thirty days after the last publication thereof.

SEC. 6. If at the expiration of the time of notice, any sidewalk shall not be built, the city supervisor shall, without delay, report the same to the city council in writing; or if any sidewalk which may be laid, shall not be constructed and laid in compliance herewith to his satisfaction, he may report the same in like manner. His report shall contain a list and description of each delinquent lot or premises, and shall state opposite thereto the name of each owner, or his agent, or the occupant, or other person liable, upon whom he has served notice, and the date and manner of service. If any owner is unknown and cannot be found, he shall state owner "unknown" or "cannot be found" as the case may be. He shall obtain and file with his report, a copy of the sidewalk notice published by the city clerk, with the proper certificate of the printer of its due publication attached; and his report shall not be received or approved by the city council unless made as is herein required.

SEC. 10. The city council may at any time after the approval of the report of the supervisor, pass an order requiring him, without delay, to cause the sidewalks to be constructed in front of or adjoining the premises mentioned in his report, and to report the costs and expenses thereof for assessment against the premises chargeable therewith. The order may be substantially as follows, to wit:

"Whereas the sidewalks fronting or adjoining the following described lots and premises, to wit:

Name of owner.	DESCRIPTION.		
	Lot.	Block.	Addition.

Have not been constructed and laid in pursuance of an order passed ———185——, after due notice to the owners thereof (or their

agents or the occupants of the premises or other persons liable therefor,) as appears from the return of the city supervisor; it is therefore ordered by the city council, that the city supervisor cause the same to be constructed and laid forthwith in conformity with the original order, and report the costs and expenses thereof for allowance and assessment against the premises chargeable therewith."

SEC. 11. The supervisor shall keep an accurate account of the cost of each sidewalk built in front of or adjoining each separate lot or premises under his supervision by order of the city council, and he shall, as soon as the same may be completed, report such costs to the city council, with the description of the lot or premises, and the name of the owner thereof, if known. His report may be substantially as follows, to wit :

Springfield, -----185--.

TO THE CITY COUNCIL OF THE CITY OF SPRINGFIELD :

In compliance with an order of the city council, passed -----185--, the undersigned has caused a sidewalk (or sidewalks) to be constructed and laid fronting (or adjoining) the following described premises, at the costs and expenses set opposite to each, to wit :

Name of owner.	DESCRIPTION.			Costs.	
	Lot.	Block.	Addition.		

If sidewalks shall be built in front of or adjoining several contiguous lots or premises, and the exact cost of such cannot be ascertained, he shall apportion the costs equitably, as near as may be, to each lot or premises.

SEC. 12. When any costs and expenses necessarily made and expended in the construction of any sidewalk in front of or adjoining any delinquent premises, shall be reported by the city supervi-

sor to the city council and examined and approved by them, the same may at any time thereafter be collected of the owner of such lot or premises, or other person liable therefor, and recovered by suit in the name of the city, before any court having jurisdiction, or the city council may at any time thereafter, by the passage of an order to be entered at full upon the journal, by the city clerk, levy and assess such costs and expenses against the premises chargeable therewith, and direct that a warrant issue for the collection of the same, returnable within sixty days from the date thereof. The order shall contain a correct list and description of the lots and premises, with the name of the owner thereof if known, and with the amount assessed against each set opposite thereto, and may be substantially as follows, to wit:

“Ordered by the city council of the city of Springfield, that the several sums set opposite to the following described lots, (parts of lots, real estate, or premises, as the case may be,) respectively, to wit:

Name of owner.	DESCRIPTION.			Costs.	
	Lot.	Block.	Addition.		

Being the costs and expenses approved by the city council for constructing and laying sidewalks in front of or adjoining said lots or premises by the city supervisor, in pursuance of an order passed ———185——, after failure of the owners thereof, or other persons liable therefor, to do the same after due notice, be and the same are hereby respectively levied and assessed against each of the said lots, (parts of lots or premises,) and that a warrant issue for the collection of said assessments, returnable within sixty days from the date thereof.”

SEC. 13. The city clerk shall, without delay, after the passage

of the order of assessment, make out and deliver to the assessor and collector, a warrant for the collection of the assessments, signed by the mayor and himself under the corporate seal, and containing a true copy of the order of the city council, and returnable within sixty days from the date thereof. The warrant may be substantially as follows, to wit :

STATE OF ILLINOIS, }
 City of Springfield. } ss.

The People of the State of Illinois, to the city assessor and collector of the city of Springfield, greeting : Whereas, the city council of the city of Springfield, did, on the _____day of_____ 185—, by the passage of an order, levy and assess against the lots (parts of lots or premises) hereinafter described, the several sums set opposite to each respectively, being the costs and expenses of constructing and laying the sidewalks in front of or adjoining said premises by the city supervisor ; which said order is in the words and figures following, to wit : (Here insert a true and perfect copy of the order of assessment, with a blank column left for the entry of payment.) Now, therefore, you are hereby commanded to make, levy, and collect the several sums of money set opposite to the several lots or premises herein before described, as the assessment against the same, of the goods and chattels of the respective owners thereof, and make due return in what manner you shall execute this warrant, within sixty days from the date hereof.

Witness, A. B., mayor, and the corporate seal
 [L. S.] of the city of Springfield, this_____day of_____
 A. D. 185—.

A. B., Mayor.

C. D., City Clerk.

SEC. 14. The city clerk shall take the receipt of the assessor and collector for the warrant, upon the delivery thereof, and shall charge him with the amount of the same. He shall keep a sidewalk account, and all expenditures for building or repairing sidewalks, and all moneys collected or received for the same, shall be properly charged or credited thereto ; and the entries shall in all cases show the lot or premises for which such charge is made or

credited. If there shall be from time to time, any uncollectable balance due on such account, it may be charged or carried to the general account chargeable therewith.

SEC. 15. The assessor and collector upon the receipt of the warrant, shall, without delay, cause a notice signed by him to be published for ten days in the newspaper publishing the ordinances of the city, stating that the warrant for the collection of the assessments made by the city council against the premises named therein, (describing the same with the name of the owner thereof if known, and the amount of the assessment as fully as set forth in the warrant,) and for the sums set opposite to each, for the costs and expenses of constructing and laying sidewalks in front of or adjoining said premises, has been delivered to him for collection, and that payment of the same is demanded. Such notice shall be deemed a sufficient demand, and a neglect to pay such assessment for twenty days thereafter shall be deemed a refusal. But the assessor and collector shall, as far as is practicable, make personal demand of payment of any known owner of such premises, or his agent, or any other person liable therefor, if to be found within the city.

SEC. 16. The assessor and collector shall, in the collection of the warrant, have all the powers conferred on him by law in the collection of general warrants for taxes, and shall perform the same duties, and be subject to the same liabilities, and his return may be made, as near as may be, in like form. The city council may, by order or resolution, extend the time of the return of the warrant.

SEC. 17. When any warrant shall be returned unsatisfied, in whole or in part, as to any sidewalk assessment against any lot or premises, or any part thereof, the city council may, at any time thereafter, by an order to be entered at large upon the journals or record kept by the city clerk, direct the assessor and collector to sell the delinquent premises, (describing the same, with the name of the owner thereof, if known, and the assessments severally due thereon, and purpose thereof, as fully as set forth in the warrant,) or so much thereof as may be necessary for the payment of such

assessment and the costs of sale. The order may be substantially as follows, to wit:

“Whereas, the warrant issued on the———day of———185—, for the collection of a sidewalk assessment made by the city council, for the costs and expenses of constructing and laying sidewalks in front of or adjoining the premises therein named, has been returned unsatisfied, as to the following described lots or premises, and for the amount set opposite to each, to wit:

Name of owner.	DESCRIPTION.			Amount of Assessment.
	Lot.	Block.	Addition.	

“It is therefore ordered by the city council of the city of Springfield, that the city assessor and collector proceed to advertise and sell the above described delinquent premises, or so much thereof as may be necessary to pay the assessments severally due against the same, and the costs of sale, in the manner prescribed by law.”

SEC. 18. The city clerk shall, without delay, after the passage of the order of sale, make out a certified copy thereof, signed by the mayor and himself, under the corporate seal, and shall attach the same to the warrant and deliver them to the assessor and collector. The warrant and the certified copy of the order of the city council attached thereto, shall constitute the process upon which the assessor and collector shall sell the delinquent lots, parts of lots, or premises, described therein, and they may be sold at any time within two years after the approval or confirmation of such assessment by the city council.

SEC. 19. The assessor and collector shall then sell the delinquent premises, or so much thereof as may be necessary to pay

such assessment, and the costs of advertising the same for sale, he first giving notice of the time and place of sale, by publishing an advertisement at least four times in the newspaper publishing the ordinances of the city, the first publication to be made at least thirty days before such sale, describing in such notice the delinquent lots or premises, by figures or otherwise, with the name of the owner thereof, if known, and the amount of the assessments severally due against the same, as fully as set forth in the warrant, and stating that the smallest portion of the lot, part of lot or premises, to be taken from the east side thereof, will be sold to the person who will take the same, and pay the assessment due against such lot or premises, for constructing or laying sidewalks in front or adjoining thereof, and the cost of advertising the same for sale. All proceedings may be stopped at any time before sale, by payment of the amount of the assessment and the costs of advertising.

SEC. 20. All subsequent proceedings shall be the same in all respects whatever, as in cases of sales for general taxes; and the duties and liabilities of the assessor and collector, of the city clerk, of the city council, and of purchasers at such sale, shall in all respects whatever be the same as is prescribed by law or ordinance in cases of sales for general taxes.

SEC. 21. When any sidewalk, or sidewalk curbing in front of or adjoining any premises, shall be broken and need repairs, or require to be wholly relaid, the supervisor shall, without delay, cause a printed or written, or partly printed and partly written, or verbal notice to be served upon any known owner of the premises, or his agent, or any other person who may be liable to repair or relay such sidewalk, or upon both, in his discretion, stating the nature and extent of the repairs necessary, and requiring them to be made within six days after notification, unless it shall be necessary wholly to relay the sidewalk, in which case, not less than ten, nor exceeding thirty days shall be specified in the notice. But if no known owner of the premises, or his agent, or occupant, or other person liable therefor can be found within the city, or if the costs of such repairs or relaying will not exceed five dollars, or if the sidewalk

or the curbing thereof is in such a condition as to be unsafe or dangerous, the supervisor shall cause the same to be repaired or relaid without notice, and may collect the costs and expenses thereof of the owner of the premises chargeable therewith, or any other person liable therefor, or may report the same to the city council for allowance and assessment against the premises chargeable therewith.

SEC. 22. The city supervisor, when any sidewalk or sidewalk curbing may not be repaired or relaid in compliance with his notification, shall, without delay, cause the same to be done, and shall collect the costs and expenses thereof of the owner of the premises chargeable therewith, or of any other person who may be liable therefor; and in all cases where such owners or other persons liable therefor, shall not pay such costs and expenses, the supervisor shall report the same upon oath to the city council with the description of the premises to which the same are chargeable, and with the name of the owner thereof, if known, and the time and manner of notice where notice is required to be given; and upon the examination and approval of his report by the city council, the amount so necessarily expended in repairing or relaying such sidewalk or curbing may be levied and assessed against the premises chargeable therewith, and collected by warrant and sale of the same in the same manner as is herein prescribed in the case of other sidewalk assessments; or such costs and expenses may at any time be collected of the owner of such premises, or other person liable therefor, and recovered by suit in the name of the city before any court having jurisdiction.

SEC. 23. The grades of sidewalks shall be established by the city council; but the city engineer may give a temporary grade where no permanent grade is established, and he shall, when requested by any person desiring to build any sidewalk, stake out the grade thereof without charge.

SEC. 24. Whoever shall build or cause to be built, or assist in building any sidewalk contrary to any grade established by the city council, or in a different manner than is herein required, or shall, where no permanent grade is established, build, or cause to

be built, or assist in building any sidewalk without first obtaining a temporary grade therefor from the city engineer, or shall build or cause to be built, or assist in building such sidewalk, contrary to the grade which may be given by the city engineer shall, in each case, be subject to a penalty of not less than three dollars, and to an additional penalty of not less than one dollar for each day he shall not remedy or rebuild such sidewalk, when required by the city supervisor, and shall likewise be liable for all damages arising from the bad condition of the same.

SEC. 25. If any owner of any premises, or any occupant or lessee thereof, whose duty it is, by any contract or otherwise, to do the same, shall neglect or refuse to repair, relay or rebuild any sidewalk or sidewalk curbing, in front of or adjoining his premises, after due notice to do the same, as is herein required, he shall be subject to a penalty of not less than one dollar for each day he shall not comply with such notice, and shall also be liable for all damages arising from the bad condition of such sidewalk.

PASSED August 11, 1856.

CHAPTER XXX.

SLAUGHTER AND PACKING HOUSES.

An Ordinance regulating Slaughter and Packing Houses, and the steaming of lard and tallow.*

SECTION 1. No person shall slaughter, dress, or pack any cattle, calves, sheep, or swine, or steam any lard or tallow, or use any building for any of the purposes aforesaid, within the city, or within one half mile thereof, without the permission of the city council, under a penalty of twenty-five dollars for each offense, and a like penalty to the owner or occupant for each day any building may be used for any purpose above mentioned.

* Amended, see Ordinance, Post II.

SEC. 2. The city council may grant permission not exceeding one year at one time, to slaughter, dress, or pack animals, or to steam lard or tallow, under the provisions of this ordinance, to such persons as may apply therefor in writing ; stating in such application the business to be pursued, and specifying the premises where the same is to be carried on. Upon the granting of any application, the city clerk shall enter the same upon the journals, and shall issue to the applicant, in the same manner as licenses, a permit stating the time for which permission is granted, the business to be carried on, and the premises whereon the same is to be conducted, and he shall keep a register of such permits.

SEC. 3. The person to whom permission shall be granted to slaughter, pack, or dress animals, or to steam lard or tallow, under the provisions of this ordinance, shall cause all offal, blood, bones, and all other offensive matter to be collected into tubs or vats and removed or buried, (within twelve hours, between the first day of April and the first day of November in each year, and within thirty-six hours, during the rest of the year,) so as not to become or be a nuisance or offensive to any person dwelling within or without the city, and shall not suffer or permit any blood, offal, liquor from steam tubs, or any other offensive matter to fall or run upon the ground, or to run into the town branch or any other branch within the city, and shall at all times otherwise keep his premises in a clean, healthy, and inoffensive condition.

Whoever shall violate any provision of this section, shall be subject to a penalty of not less than twenty dollars for each violation, and the permit granted may be revoked at the pleasure of the city council.

SEC. 4. No person shall, within the city or within one half mile thereof, steam, boil, or render any tainted lard or tallow, offal, or other animal substance so as to taint the air and render it unwholesome or offensive, under a penalty of not less than twenty-five dollars.

SEC. 5. The city marshal shall, from time to time, as often as may be necessary, visit all slaughter and packing houses and establishments for steaming lard or tallow, and, when required, re-

port their condition to the city council, and shall at all times prosecute all violations of this ordinance.

PASSED August 13, 1855.

An Ordinance amendatory of an Ordinance entitled "an Ordinance regulating Slaughter and Packing Houses, and the steaming of lard and tallow."

II.

SECTION 1. No person shall, within the city, slaughter or butcher any cattle, calves, sheep, or swine, or use any building or inclosure for the purpose of slaughtering or butchering any such animals, under a penalty of twenty-five dollars for each offense, and a like penalty to the owner or occupant of any such building or inclosure, for each day he shall use or knowingly suffer or permit the same to be used for the purposes aforesaid.

SEC. 2. No person shall, without the city and within one mile of the limits thereof, erect, use, or occupy any building or inclosure for a slaughter house, or for the purpose of slaughtering or butchering any cattle, calves, sheep, or swine, without the permission of the city council, to be granted in the manner provided in the ordinance to which this is amendatory, under a penalty of twenty-five dollars for each offense, and a like penalty to the owner or occupant of any such building or inclosure, for each day he shall use, or knowingly suffer or permit the same to be used for the purposes aforesaid.

SEC. 3. This ordinance shall take effect and be in force from and after the first day of March, A. D. 1858.

PASSED September 17, 1857.

CHAPTER XXXI.

STREETS AND ALLEYS.

An Ordinance providing for the improvement of the Streets and Alleys of the city.

SECTION 1. All grading of the public streets and alleys of the city shall be done at the general expense of the city, and paid for out of the general fund. But when the city council shall deem it necessary to plank, pave, or McAdamize any street or part of any street, the same shall be referred to the committee on streets and alleys, or other appropriate committee, who shall examine into such proposed improvement, and make an accurate estimate of the probable cost thereof, and report the same to the city council, with an ordinance designating the street or part of street to be improved, and specifying the plans and manner of such improvement.

SEC. 2. When the city council shall provide, by ordinance, for the improvement of any street or part of any street, and the same shall be paved, planked, or McAdamized, two thirds of the costs of such improvement shall be chargeable to and taxed against the real estate fronting upon or adjoining such street or part of street so improved, according to the assessed valuation thereof; and the remaining third of such costs shall be paid for by general taxation, and appropriated from the general fund; and to defray two thirds of such costs, a special tax not exceeding five mills to the dollar per annum, shall be annually levied and assessed upon all the real estate fronting upon or adjoining such street or part of street so improved, according to the assessed valuation thereof, and collected in the same manner as general city taxes, and exclusively expended in making such improvement until the same shall be completed and paid for, or until the debt with the interest thereon which may be incurred therefor shall be fully paid. And the city council shall provide for the payment of the remaining third of the costs of such improvement, or of any debt and interest incurred therefor,

and shall appropriate from the general fund of the city such a sum as may be necessary to pay one third of such costs, or of any debt, or installment of debt, and interest falling due, which may be incurred for making any such improvement.

SEC. 3. The mayor, when authorized by ordinance, may, with the concurrence of the committee on streets and alleys, borrow money upon the credit of the city, to such amount as may be necessary to defray the costs of the making or completing any such street improvement ordered by the city council, and issue, sell, or dispose of the bonds of the city therefor to the best advantage. Such bonds shall be designated "street improvement bonds," and shall be dated the day of the issuing or delivery thereof, and signed by the mayor and city clerk under the corporate seal, and shall be payable either in gross or by installments, in not less than three, and not exceeding ten years, and bear interest at not exceeding the rate authorized by the city charter, payable as may be agreed upon, not oftener than semi-annually, and the principal and interest shall be payable at such place within the United States to be named in the bond, as may be agreed upon, and coupons for the interest shall be attached.

SEC. 4. The principal and interest which may become due upon such bonds shall be payable from the special tax and appropriation herein provided for, and the proceeds arising from the sale or disposition of such bonds shall be paid into the city treasury to the credit of the street improvement for which the bonds were issued, and shall be exclusively expended and applied towards the making or completing of such improvement.

SEC. 5. The city clerk shall annually enter in the appropriate column in the assessor and collector's warrant, the tax of five mills to the dollar, herein provided for, upon the assessed valuation of all the real estate fronting upon or adjoining any street or part of street which may be improved in accordance with the provisions hereof, or such percentage thereof as may be necessary to meet the payment of two thirds of any installment of principal and interest for that year, and such tax shall be collected by the assessor and collector in the same manner in all respects as general

taxes, and paid into the city treasury to the credit of such street improvement, and the treasurer shall keep a separate account thereof.

SEC. 6. The city engineer or other officer having charge of any public work shall, from time to time, when required, report the cost and progress thereof and shall, without delay, after the completion of any public work or improvement, report the total cost thereof to the city council.

SEC. 7. The city clerk shall open and keep a separate account with each street or part of street which may be improved in accordance with the provisions hereof, and shall charge the same with all expenditures made, and credit it with all revenues or moneys received on account thereof.

SEC. 8. All repairs which may become necessary to any street or part of street which may be paved, planked, or McAdamized under the provisions hereof, shall be made at the expense of the real estate fronting upon or adjoining the street or part of street so improved, and such costs and expenses shall be levied and assessed against and collected of the real estate fronting upon or adjoining such street or part of street so improved and repaired, according to the assessed valuation thereof in the same manner as is herein prescribed for the making of such improvement.

SEC. 9. When the city council shall order the paving, planking, or McAdamizing of any public alley, such improvement shall be made at the cost of the owners of the real estate fronting upon or adjoining such alley, according to the number of feet owned by them fronting or adjoining thereon; and notice of the order of the city council to make such improvement shall be given by the city supervisor to each known owner of any lot or real estate fronting upon or adjoining such alley, or his agent, and upon the failure or neglect of such owner to comply with such notice, such failure or neglect shall be reported to the city council by the city supervisor, and the city council may order such improvement to be made by the city supervisor, and the costs and expenses thereof reported by him to the city council, and the costs and expenses so reasonably and necessarily expended in the making of such improvement shall be

levied and assessed against and collected of the real estate chargeable therewith, fronting upon or adjoining such alley, in the same manner in all respects as is prescribed for the assessment and collection of sidewalk assessments; and all proceedings for the improving of any alley under the provisions of this section, shall be the same, as near as may be, as is prescribed for the construction of sidewalks, in the ordinance in relation to sidewalks.

SEC. 10. The provisions hereof shall not repeal or affect any ordinance in relation to the planking of the streets of the city heretofore passed by the city council.

PASSED June 25, 1857.

CHAPTER XXXII.

TAXES.

An Ordinance regulating the assessment and collection of Taxes.

SECTION 1. The city assessor and collector shall annually, after being qualified and entering upon the discharge of the duties of his office, make out, in a suitable book or books, a list of all the real estate within the city subject to taxation, listing and describing the lots or tracts in each addition in numerical order, and subdividing any lot or tract by correct descriptions, when owned in part by different persons. The valuation thereof, and the name of the owner, if known, shall be set opposite thereto. If the owner is unknown, a blank shall be left to be filled with his name when ascertained; and if after reasonable diligence the owner cannot be found, he shall designate opposite to such lot or tract, the name of the owner as "unknown."

SEC. 2. The assessor and collector shall also rule columns in his books for the listing of personal property subject to taxation. The names of the owners of personal property shall be entered in alphabetical order. The lists of real and personal property may

be made out in the same form, as near as is practicable, as the real and personal property lists of county assessors under the laws of the state.

SEC. 3. He shall, after making out his lists, proceed to ascertain the value of the real property within the city subject to taxation, by actual view thereof and from the best information he can obtain, and shall mark the assessed valuation of each separate lot or tract, in figures opposite to the description thereof.* He shall call upon each inhabitant required by law to list any property for taxation at his or her residence, lodgings, place of business, or elsewhere, and shall demand a certified statement of all the personal property within the city, and of all the personal property belonging to or in the possession of such person made taxable by the laws of the state for state purposes, including moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, in his possession or under his control, which he or she is required to list for taxation by the laws of the state, either as owner, agent, guardian, parent, husband, trustee, executor or administrator, receiver, accounting officer, partner or factor, with such description thereof as will enable him to list and value the same.†

SEC. 4. He shall procure the necessary blank forms for such certified statements, and shall value all property at its cash valuation. Personal property shall be listed and assessed with reference to the quantity and value on hand on the first day of May in

* A municipal corporation authorized by its charter to levy and collect taxes upon all real estate within the city, cannot, by ordinance, direct the assessment of a tax upon lots, without considering the value of the improvements thereon. The fixed and permanent improvements upon the land are a part thereof, and an assessment upon the land without regard to their value is illegal. *Fitch vs. Pinckard*, 4 Scam. Rep. 78. See also *Jacksonville vs. McConnel*, 12 Ills. 138.

† The term "Personal Estate" embraces money loaned and every other species of personal property. *Jacksonville vs. McConnel*, 12 Ills. Rep. 138.

With certain qualifications personal property follows the residence of the owner and is there taxable if the owner resides in the state, and the property taxed if temporarily absent is nevertheless subject to taxation. *Sangamon and Morgan R. R. Company vs. Morgan co.* 14 Ills. Rep. 163.

Where the owner of personal property is a corporation, such corporation will be considered to be in the state of its location, and its residence where its principal office or place of business is. *Same caso.*

each year, including all property purchased on that day. If the personal property is in view and he can ascertain the value thereof he shall value the same; but when it is not in view, or he is unable to ascertain the value thereof to his satisfaction, he shall require the person listing to give in the description and value thereof under oath.

SEC. 5. If any person shall be sick or absent when called upon by the assessor and collector, he shall leave at his or her residence, lodgings, or usual place of business, a notice with a blank form attached, requiring him or her to make out and leave at his office on or before a certain day (not less than five days) to be named therein, a statement certified by him or her (under oath if required,) of all the personal property which he or she is required to list. The name of the person and the date of the notification shall be noted in a book kept for that purpose.

SEC. 6. If the assessor and collector shall be unable to find the owner of any personal property or any other person required to list the same, or if such owner or other person shall neglect to give in a list of his property when duly notified, the assessor and collector shall list and value the personal property of such person according to the best information he can obtain; or, if he believes that the personal property of any person has been undervalued in the listing thereof, he shall list and revalue such property at what he considers its true valuation, and shall notify such person of such increased valuation.

SEC. 7. If any person shall give in a false or fraudulent list of his personal property, or of any personal property which he is required to list; or shall refuse to deliver to the assessor and collector, when called upon, a true list, certified by him, of his personal property, or of personal property which he is required to list; or shall refuse to give in such list upon oath, when required by the assessor and collector; the assessor and collector shall, in either case, as a penalty therefor, list his personal property or the personal property which he is required to list at what he may deem double its value; and upon his failure to do so he shall be subject to a penalty of fifty dollars in each case.

SEC. 8. The assessor and collector, if any person shall neglect or refuse to list his personal property, or any personal property which he is required to list; or if he shall be unable to find any person required to list any personal property, or if any person shall refuse to list his personal property or any personal property which he is required to list, under oath, when required by him; or, if he believes that any person has listed his personal property or any personal property which he is required to list, at less than the true valuation, or falsely, or fraudulently, shall have power to examine upon oath any other person whom he may suppose to have knowledge of the amount or value of all the personal property, moneys, and credits which any such person was required to list. Any person who shall refuse to be sworn or to testify when so required by the assessor and collector, shall be subject to a penalty of not less than five dollars in each case.

SEC. 9. When personal property is not listed by the owner, the assessor and collector shall note opposite to the name of the owner by whom listed, as by ———-agent, “by assessor,” as the case may be. He shall arrange the certified statements of property received by him in alphabetical order, and shall carefully file and preserve them in his office.

SEC. 10. If he shall find any real or personal property which has not been listed, assessed, and taxed in any former year, he shall list and value the same for each year omitted, noting each year for which the same is so listed and assessed.

SEC. 11. When the assessor and collector shall have completed his lists he shall revise and correct them, and shall add up the several columns of his lists and carry the amounts forward, so as to show at the end thereof the total valuation of real and personal property.

He shall return his lists to the city council on or before the first Monday of August in each year, unless the city council shall, by an order, extend the time of such return, with an affidavit annexed in the following form, to wit:—“I, ———, city assessor and collector of the city of Springfield, do hereby solemnly swear that the foregoing is a correct and full list of all the real and personal

property within the city subject to taxation, so far as I have been able, with diligence, to ascertain the same; and that I have valued the same, as I believe, at the full cash value thereof, estimated agreeably to the rules prescribed therefor in the laws of the state for the assessment of property, and that the aggregate value thereof as set forth is true and correct as I believe.

————— Assessor and Collector.”

OF THE RETURN OF THE ASSESSOR AND COLLECTOR'S LISTS.

SEC. 12. When the assessor and collector shall have returned his lists to the city council, they shall, by an order fix a day for the hearing of objections thereto. The city clerk shall give notice of the time and place so fixed for the hearing of such objections, by publishing for five days at least in the newspaper publishing the ordinances of the city, an advertisement substantially as follows, to wit:

“NOTICE TO TAX PAYERS.—ASSESSMENT LISTS.

CITY CLERK'S OFFICE,
Springfield, ———185— }

“Notice is hereby given that the lists of all the taxable real and personal property within the city for the municipal year 185—, have been returned to the city council by the city assessor and collector, and that objections thereto will be heard by the city council at the meeting to be held at the council room on ———the———day of ———instant (or next) at which time and place all persons aggrieved by the assessment of their property may appear, and at no other, and make and file their objections in writing.

—————City Clerk.”

SEC. 13. Any person aggrieved by the assessment of his property, or of any property which he is required to list, may appear at the time specified and make and file his objections in writing, stating as specifically as may be the nature of his objections. All objections shall be made or filed at or before the meeting of the

city council called to hear and determine the same, and at no other, and the facts stated in such objections shall be verified upon oath, either by the person making the same, or by a credible witness.

SEC. 14. The city council when convened for the purpose of hearing objections, shall hear and determine them in a summary manner, and shall correct all errors and supply any omissions they may discover in the lists, and for the purpose of equalizing them may alter, add to, take from, or otherwise correct and revise the same; or may refer them back to the assessor and collector with instructions to him to revise and correct them; or they may be referred to a committee for that purpose; but all corrections and alterations shall be reported to the city council for their final action and approval. The city council shall not in any case remit or reduce the assessment of double the value of the property of any person listed by the assessor and collector, as a penalty for his refusing to list his property, or for refusing to give it in upon oath, when required, or for giving in a false or fraudulent list.

SEC. 15. The assessor and collector shall attend the meeting of the city council convened for the purpose of hearing objections to his lists, and shall give all information in his power in relation to any property, to the assessment of which any objection may be made by any person aggrieved.

SEC. 16. When the assessor and collector's lists shall have been revised and corrected by the city council, they shall, by the passage of an order, to be entered at full upon the journals by the clerk, approve and confirm them, and direct that they be filed, and that a warrant issue for the collection of the several taxes which may be levied and assessed thereon. The order may be substantially as follows, to wit:

“Whereas the assessment lists for the municipal year one thousand eight hundred and fifty——, have been duly made and returned by the city assessor and collector, and revised and corrected by the city council, after due notice to all persons aggrieved thereby, and full hearing of all objections thereto; it is ordered by the

city council of the city of Springfield, that the said assessment lists and the several assessments therein contained, as revised and corrected by the city council, be and the same are hereby confirmed and approved, and that they be filed, and that a warrant issue for the collection of the several taxes which may be assessed and levied thereon."

SEC. 17. The city council shall thereupon, by an ordinance or resolution, levy upon all the taxable real and personal property listed, such sum or sums of money as may be sufficient for any or all of the several purposes for which taxes are authorized to be levied, not exceeding the authorized per centage, particularly specifying each purpose for which the same are levied, and if not for general purposes, or for the whole city, the district or division upon which they are laid.

OF THE COLLECTION OF TAXES.

SEC. 18. The city clerk shall, as soon as may be after the passage of the ordinance or resolution levying taxes, and within thirty days at least, unless the time shall be extended by the city council, make out and deliver to the assessor and collector, a warrant for the collection of such taxes. The warrant shall contain a true copy of the corrected assessment lists, with additional columns ruled therein for the entry of each tax which may be levied by the city council. Each column shall be headed with the name of the tax. A column shall also be ruled for the entry of payment when the taxes are paid to the assessor and collector. The city clerk shall calculate the amount of each separate tax, rejecting fractions of a cent in all cases, and place the same in the proper column opposite to the name of the person, or description of the property chargeable therewith. He shall carefully compare and add up each column and carry the amount forward, so as to show at the end of the tax lists the total amount of the taxes levied. He shall test the accuracy of his computations and additions, by calculating the tax on the total valuation of the property on each page, so that he may be certain that the taxes have been correctly extended and added.

If the property is assessed for any former year, he shall calculate

the per centage of each several tax due for that year, noting the year for which such taxes are levied; and the assessor and collector shall collect the same, with the interest thereon at the rate of ten per cent. per annum from the date from which they were due and payable, until paid.

SEC. 19. The warrant shall be issued returnable within ninety days from the date thereof, and shall be signed by the mayor and city clerk, under the corporate seal; and may be substantially as follows, to wit:

STATE OF ILLINOIS, }
City of Springfield. } ss.

The People of the State of Illinois to the city assessor and collector of the city of Springfield, greeting:

Whereas the city council of the city of Springfield did, on the _____day of_____A. D. 185—, assess and levy upon the assessed value of the real and personal property herein described, the several sums of money set opposite to each respectively in the appropriate column, for general, school, lamp, and _____ taxes of the city of Springfield for the municipal year one thousand eight hundred and fifty—, as follows: (Here describe the real and personal property with the valuation thereof, making a perfect copy of the corrected assessment lists, and specifying and setting down the several taxes levied by the city council in separate columns, carrying forward the totals of each column, and leaving a blank column for the entry of payment.) Now therefore you are hereby commanded to make, levy, and collect the several sums of money set opposite to the real and personal property herein described, as the taxes thereon, for the year aforesaid, of the goods and chattels of the respective owners of said real and personal property, and make due return in what manner you shall execute this warrant, within ninety days from the date hereof.

[L. S.]

Witness, A. B., mayor of the city of Springfield, and the corporate seal thereof, this—day of_____A. D. one thousand eight hundred and fifty—.

A. B., Mayor.

Attest: C. D., City Clerk.

SEC. 20. The several taxes shall be due and payable from and after the approval of the corrected lists and the passage of the ordinance or resolution levying the taxes, and shall from that time be a lien upon real property for two years ; and shall be a lien upon personal property from and after the delivery of the warrant to the assessor and collector until paid, and no sale or transfer thereof shall affect the lien.

SEC. 21. On issuing any warrant for taxes, the city clerk shall take duplicate receipts from the assessor and collector, specifying the amount of taxes levied by the warrant ; one of which he shall file with the treasurer, and they shall each charge the assessor and collector on their books with the full amount thereof.

SEC. 22. The assessor and collector, upon receipt of the warrant, shall immediately proceed to collect the taxes levied therein ; and he shall, without delay, cause a notice, signed by him, to be published for ten days in the newspaper publishing the ordinances of the city, stating that the warrant for the collection of the several city taxes for the municipal year A. D. 185—, upon all the taxable real and personal property within the city, has been delivered to him for collection thereof, and that payment of the same is demanded. Such notice shall be deemed a sufficient demand, and a neglect to pay such tax for twenty days after the expiration thereof, shall be deemed a refusal ; but he shall, as far as is practicable, make personal demand of payment of each person charged with taxes, or his agent, if known and to be found within the city.

SEC. 23. He shall have power, by virtue of his warrant, to distrain and sell any personal property of any person charged with real or personal property taxes, for the payment thereof, together with costs, who shall refuse to pay the same on a personal demand or who shall neglect to pay the same for ten days after a personal demand, or for twenty days after the due publication of notice when no personal demand has been made ; or he may distrain forthwith if he apprehend danger of the loss of the taxes, by the removal of the property of any person owing taxes or otherwise ; or he may collect such taxes by suit in the corporate name before any

court having jurisdiction, at any time after a demand and refusal to pay the same.*

SEC. 24. He shall, before selling any personal property distrained by him, give at least five days' notice of the time and place of sale, by posting up notices thereof at the front of the county court house, at the post office, at the office of the city clerk, and in at least two other of the public places of the city, describing the personal property to be sold, and stating the name of the delinquent, and the amount of the taxes and costs for which the same will be sold. The sale shall be at public auction between the hours of nine o'clock, A. M. and five o'clock, P. M., and no more of the property distrained shall be unnecessarily sold than will be sufficient to pay the taxes due and the costs of distraining and sale. Any surplus shall be paid to the delinquent. For levying and selling, the assessor and collector may charge and receive a fee of fifty cents, and five per centum upon the amount collected by such sale, together with the necessary costs and charges of removing such property, and keeping the same from the time of distraining thereof until sold.

SEC. 25. The assessor and collector, upon the receipt of any money for the payment of taxes, shall mark the word "paid" opposite to the name of the person or description of the property charged therewith, and he shall also give a receipt therefor to the person paying the same, stating the amount, describing the property, the valuation thereof, and the several taxes for which the same was paid.

SEC. 26. If the assessor and collector in collecting taxes shall find any errors in the calculation of taxes in his warrant, he shall correct the same; and if he shall discover any taxable property omitted in his warrant, he shall note the same, and shall report such property with the valuation thereof to the first meeting of the city council thereafter; and the city council shall, by an order, direct the city clerk to enter such property with the valuation thereof in

* A collector of taxes under a municipal ordinance, must, in distraining property for taxes and in all his proceedings strictly follow its directions. *Allen vs. Scott*, 13 Ills. Rep. 80.

the warrant, and he shall compute the amount of the several taxes due upon such property and set the same down in the appropriate column, in the same manner as if it had been originally listed, and the taxes thereon shall be collected in like manner.

SEC. 27. Real property shall in all cases be liable for the taxes levied thereon. Personal property shall be liable for the taxes levied on real property, and real property shall be liable for the taxes levied upon personal property; but taxes due upon personal property shall not be charged against real property, except in case of removal, or insolvency, or otherwise, where the the taxes cannot be collected and made out of the personal property. But the assessor and collector may in all cases distrain and sell personal property for taxes due upon real property.

OF THE RETURN OF THE WARRANT.

SEC. 28. The city council may extend the return day of any warrant, by order or resolution.

On the return day of the warrant, the assessor and collector shall make return thereof to the city council, or if not in session, he shall make return to the next meeting of the city council after the return day. His return may be substantially as follows, to wit:

STATE OF ILLINOIS, }
City of Springfield. } ss.

"CITY ASSESSOR AND COLLECTOR'S OFFICE,
Springfield, ———185— }

To the city council of the city of Springfield:

The undersigned, city assessor and collector of the city of Springfield, makes return to the city council of the foregoing warrant, that he has collected the taxes on all the real and personal property described in said warrant, opposite to which, in the appropriate column, the word "paid" is written; that demand of payment has been made of all the other taxes not marked paid, by notice duly published in the newspaper publishing the ordinances of the city, and personally of the persons severally charged therewith, in each case where he has been able, by diligent inquiry, to find such persons,

and that he has not been able to collect such taxes of such persons, or to find any personal property belonging to them or either of them, out of which the taxes could be made. He therefore returns the said warrant unsatisfied as to all taxes not marked "paid" on the face thereof.

—————City Assessor and Collector.

SEC. 29. The assessor and collector shall also make out and return with his warrant, a statement in writing of the names of all persons charged with personal property taxes, and the amount thereof, which he has been unable to collect by reason of insolvency, removal, or otherwise. If the delinquent shall own any real estate within the city the fact shall be reported; and the city council may order that the personal property taxes due from such delinquent shall be charged to any of his real estate, and the same shall be so charged and added to the taxes due upon any of his real property by the assessor and collector. He shall also report any errors which he may have found in the warrant and corrected.

SEC. 30. When any warrant shall be returned unsatisfied in whole or in part as to any taxes due upon real property, or as to any taxes due upon personal property charged against any real property, the city council shall, by the passage of an order to be entered at full upon the journals by the city clerk, direct the assessor and collector to sell the delinquent premises, (describing the same, with the name of the owner thereof, if known, and the several taxes due against the same as fully as set forth in the warrant,) or so much thereof as may be necessary to pay such taxes and the costs of sale, he first giving due notice of the time and place of such sale as required by law. The order may be substantially as follows, to wit:

"Whereas the warrant issued on the ———day of———A. D. 185—, for the collection of the taxes levied by the city council of the city of Springfield, upon the assessed value of all the real and personal property within said city, listed for and subject to taxation for the municipal year A. D. 185—, has been returned by the city assessor and collector unsatisfied as to the following described real

property not marked "*paid*" in the said warrant, and upon which the taxes thereon are charged against the same yet remain due and unpaid, to wit: (Here describe each separate lot or tract, with the name of the owner thereof, if known, and the several taxes due thereon as fully set forth in the warrant.) It is therefore ordered by the city council of the city of Springfield, that the assessor and collector proceed to sell the aforescribed delinquent lots, premises, and real estate, or so much thereof as may be necessary to pay the several taxes respectively due thereon and charged against the same and the costs of sale thereof, in the manner prescribed by law, he first giving due notice of the time and place of such sale as required by law."

SEC. 31. The city clerk shall, without delay, after the passage of the order of sale, make out a certified copy thereof, signed by the mayor and himself, under the corporate seal, and shall attach the same to the warrant, and deliver them to the assessor and collector. The warrant and the certified copy of the order of the city council attached thereto, shall constitute the process upon which the assessor and collector shall sell the delinquent lots, premises, and real estate, described therein; and they may be sold at any time within two years after the approval and confirmation of the corrected assessment lists by the city council.

SEC. 32. The assessor and collector shall then sell the delinquent premises, or so much thereof as may be necessary to pay the several taxes respectively due and charged thereon, and the costs of advertising the same for sale, he first giving notice of the time and place of sale, by publishing an advertisement at least four times in the newspaper publishing the ordinances of the city, the first publication to be made at least thirty days before such sale, describing in such notice the delinquent lots or premises by figures or otherwise, with the name of the owner thereof, if known, and the amount of the several taxes respectively due thereon, as fully set forth in the warrant, and the year for which such taxes are due, and the costs of sale, and stating that the smallest portion of the delinquent lot, part of lot, or premises, to be taken from the east side thereof, will be sold to the person who will take the same and

pay the several taxes due thereon and the costs of advertising the same for sale. The notice of sale may be substantially as follows, to wit :

“ CITY TAX SALE.

CITY ASSESSOR AND COLLECTOR'S OFFICE,
Springfield, _____185.— }

“ Notice is hereby given, that the undersigned, in pursuance of the warrant for the collection of the taxes, and of an order of the city council of the city of Springfield, passed on the _____day of _____185—, will, on _____the _____day of _____next, between the hours of ten o'clock A. M. and six o'clock P. M., at his office in this city, sell at public auction, the smallest portion of each of the lots, parts of lots, real estate, and premises hereinafter described, to be taken from the east side thereof, to the person who will take the same and pay the several sums set opposite to each, being the taxes levied, assessed, and charged thereon by the city council of said city, for the several purposes named, for the municipal year A. D. 185—, together with the costs of advertising the same for sale, to wit : (here describe the delinquent premises, with the name of the owner thereof, if known, and the several taxes respectively due thereon as fully as set forth in the warrant.) _____ cents will be charged upon each separate lot or tract, as the costs of advertising the same for sale.

_____City Assessor and Collector.

SEC. 33. All proceedings may be stopped at any time before sale, by payment of the amount of the taxes due and the costs of advertising.

SEC. 34. The assessor and collector shall sell the delinquent real property for the taxes due thereon, at his office, or at such other public place in the city as may be named in his notice, on or before the first Monday of February in each year, unless the city council shall, by order or resolution, extend the time of such sale.

SALES OF REAL PROPERTY FOR TAXES.

SEC. 35. The assessor and collector shall, on the day of sale, attend at the place of sale mentioned in his notice and shall, be-

tween the hours of ten o'clock A. M. and six o'clock P. M., of such day, offer for sale each lot, part of lot, or tract of real estate so advertised for sale, upon which the taxes then remained due and unpaid; and if he shall fail to attend such sale, unless prevented by sickness or other unavoidable cause—in which case the city clerk shall attend such sale and act in his place—he shall be liable to pay to the city, the full amount of the taxes due upon all the property so advertised for sale, with all the costs and charges thereon, in the same manner as if the same had been sold. And he may afterwards collect such taxes and costs, and may re-advertise and sell the delinquent real property in the manner herein required, for such taxes and costs, to reimburse the amount so paid by him; but no additional costs shall be made at such sale, and no property shall be struck off to the city. Nor shall the assessor and collector, or the city clerk, at any sale for taxes, either for himself or others, bid upon or purchase any lot or tract or any part thereof for the taxes due thereon, under a penalty of not less than twenty-five dollars; and any such sale shall be void.

SEC. 36. The sale shall be made for the smallest portion of the lot or tract, to be taken from the east side thereof, to the person who will take the same, and pay the amount of the taxes due upon such lot or tract, and the costs of advertising the same for sale. The purchaser shall, upon the lot or tract or the smallest part thereof bid for, being struck off to him, pay the amount of the taxes due thereon, and if he shall fail to do so the premises shall again be offered for sale, and no sale shall be considered as completed until payment is made. The person so forfeiting shall be subject to a penalty of not less than three times the amount of the taxes due upon the property bid off and forfeited by him, to be recovered as in other cases. The sale shall be continued from day to day until all the premises advertised are sold.

SEC. 37. The assessor and collector, upon receipt of the taxes due, shall make out and sign duplicate certificates of purchase, one of which shall be delivered to the purchaser, and the other shall be filed with the city clerk. The certificate shall contain a description of the delinquent premises sold, with the name of the owner thereof,

if known, and the amount of the several taxes due thereon, and the costs for which the same were sold, the part sold, with the name of the purchaser thereof, and shall state the payment of the taxes due and the costs by the purchaser, the date of the sale, and the time when the right of redemption will expire, and may be substantially as follows, to-wit :

CITY ASSESSOR AND COLLECTOR'S OFFICE,
Springfield, _____ 185.— }

“This certifies that at a sale of the delinquent real property within the city of Springfield, for the several taxes due thereon for the municipal year, A. D. 185—, held at———in said city, on ———the———day of———185—, ———purchased the——— of the following described lot (part of lot or real estate) being the smallest part thereof bid for, for the total amount of the several taxes and the costs set opposite thereto, to wit :

Name of owner .	DESCRIPTION.			TAXES.			Costs.	Total.
	Lot.	Block.	Addition.	General Taxes.	School Tax.	Lamp Tax.		

Which said taxes and costs the said ——— has this day paid to the undersigned, and he will be entitled to a deed for ———(here describe the premises sold,) unless the same shall be redeemed on or before the ——— day of ——— 185—, ——— (two years from the date of sale,) at which date the right of redemption will expire.

—————City Assessor and Collector.

SEC. 38. The assessor and collector shall, without delay, make out a certified list of all sales of real property made by him for the taxes due thereon, and the costs, describing the delinquent premises sold, with the name of the owner thereof, if known, and the several taxes due thereon for which the same were sold, and the costs, the total amount of the taxes and costs, the name of the purchaser, and

the date of the sale thereof, and shall return the same together with the warrant and order of sale to the city council. He shall also obtain and attach to and file with his certified list, a copy of the notice of sale, with the proper certificate of the printer or publisher that such notice was published in the newspaper publishing the ordinances of the city, (naming the same,) at least four times, that the first publication was made on the——day of——185—, (at least thirty days prior to said sale,) and the last on the——day of——185—. Upon the approval of such return by the city council, the city clerk shall make an entry thereof upon the journals, and he shall, without delay, record such certified list in the record book for the entry of tax sales, and shall file and preserve the original in his office.

SEC. 39. When any real property shall be redeemed, the city clerk shall make an entry thereof upon the record of tax sales, opposite to the description of the property sold, naming the person redeeming, the amount paid, and the date thereof; and he shall make a special deposit of the redemption money, if paid to him, with the city treasurer, taking his receipt therefor, and giving to the person redeeming a certificate of redemption, signed by him under the corporate seal, describing the premises sold, and stating to whom sold, the amount of taxes and costs sold for, and the amount paid to redeem, including taxes subsequently paid and the interest thereon, if the same have been paid by the purchaser; and he may charge and receive a fee of fifty cents for each certificate of redemption issued by him, to be paid by the person redeeming.

SEC. 40. The person redeeming shall pay, within two years after the date of sale, to the purchaser or to his assignee, or to the city clerk for his use, double the amount in specie of the taxes and costs for which the premises were sold, together with all taxes accruing subsequent to the sale and paid by such purchaser or his assignee or for his use, with interest upon such taxes at the rate of ten per cent. per annum from the date of the payment thereof. But any infant, lunatic, or feme covert may redeem any of his or her real estate sold for the taxes due thereon, at any time within one year after his or her disability is removed, upon the terms herein

specified ; or the guardian, friend, or other person for any such infant, feme covert, or lunatic, may at any time before his or her disability is removed, redeem such real estate from any sale for the taxes due thereon.

SEC. 41. If any real property (not belonging to any known infant, feme covert, or lunatic,) shall not be redeemed within two years after the date of the sale thereof, for the taxes due thereon and the costs, or within one year after the removal of the disability of any known infant, feme covert, or lunatic owning the same, the city council shall, upon the return of the certificate of purchase, or proof of its loss, order a deed to be executed to the purchaser or his assignee, under the corporate seal, signed by the mayor or presiding officer of the city council, and countersigned by the city clerk, and conveying to such purchaser or his assignee the premises so sold and unredeemed. But hereafter no purchaser of any land, lot, or real estate, at any sale thereof for the taxes due to the city thereon, or at any sale thereof for any assessment levied for any purpose authorized by law, and due the city thereon, shall be entitled to a deed for any land, lot, or real estate so purchased, until he or she shall comply with the following conditions, to wit : Such purchaser, or his assignee, shall serve or cause to be served, upon every person in possession of such land, lot, or real estate, at least three months before the expiration of the time of redemption on such sale, a written notice of such purchase, in which he shall state the time when he purchased the land, lot, or real estate, with the description of the same, and the time when the right of redemption will expire. In like manner he shall serve, or cause to be served, a similar written notice upon the person or persons in whose name or names such land, lot, or real estate is taxed, or listed for taxation, if such person or persons shall reside in the county of Sangamon ; but if the person in whose name the land, lot, or real estate is taxed, does not reside in the county of Sangamon, such purchaser, or his assignee, shall cause such notice to be given, by publishing for three times at least, an advertisement in some newspaper printed and published within the city of Springfield, the last publication to be made not less than three months before the time of re-

demption will expire. Every such purchaser, or his assignee, by himself or agent, before he shall be entitled to receive a deed, shall make an affidavit of his having complied with the conditions of this section, stating particularly the facts relied upon as such compliance; which affidavit shall be delivered to the city clerk, who shall enter the same upon the record of deeds for tax sales in his office, and he shall carefully file and preserve the same in his office; and such record or affidavit shall be *prima facie* evidence that such notice has been given. Any person swearing falsely in such affidavit, shall be deemed guilty of *perjury*, and punished accordingly. In case any person shall be compelled to publish a notice in a newspaper, as is herein required, then, before any person, who may have a right to redeem such land, lot, or real estate from such tax sale, shall be permitted to redeem the same, he or she shall pay to the officer or person authorized by law to receive such redemption money, the customary printer's fee for publishing such notice, and the expenses of swearing or affirming to the affidavit, and filing the same.*

SEC. 42. The city clerk shall, after the passage of the order, make out and deliver to the person entitled thereto, upon his complying with the requirements of the preceding section, a deed for the premises sold, conveying the same to him in behalf of the city. And he shall make an entry, in the record of tax sales, of all deeds so made and delivered by him, describing the premises conveyed, the person to whom conveyed, and the date of the deed.†

MISCELLANEOUS PROVISIONS.

SEC. 43. The assessor and collector shall have power to levy and collect any taxes which may remain due and unpaid after his

* See requirements of State Constitution, Art. IX, Sec. 4.

† A municipal corporation cannot declare, by ordinance, that the deed for land sold for taxes shall be evidence that all the pre-requisites of the law have been complied with. The legislature alone can make, change, or alter *the rule of evidence* in such cases.—*Fitch vs. Pinkard*, 4 Scam. 78.

The city charter provides that the tax deed shall be evidence of certain facts.—See charter, Art. IX, Sec. 14.

return or final settlement, at any time and in the same manner as before the return of his warrant. If any person or the personal property of any person, who shall have been returned delinquent shall be afterwards found, he may levy and collect the taxes due from such person or property, by distress or suit, as in other cases.

SEC. 44. When the taxes due upon the same property shall be more than once paid for the same year by different persons, the assessor and collector shall pay all such surplus taxes into the city treasury, and shall make return thereof to the city council, with the names of the persons paying the same; and he shall also enter the names of such persons opposite to the description of the property in the warrant.

SEC. 45. When any property shall be double assessed, or assessed for taxation when not subject thereto, and the taxes so erroneously assessed have been paid, the city council shall, upon application being made by the proper person, and satisfactory evidence of the facts, order such taxes and the costs, if any, to be refunded to such person. And if the assessor and collector, after the payment of the taxes due upon any property, shall erroneously sell such property for such taxes, he shall refund to the purchaser double the amount of the purchase money.

SEC. 46. If the assessor and collector shall overpay into the treasury, the city council shall order the amount of such overpayment to be refunded to him.

SEC. 47. When any real estate not subject to taxation, or upon which the taxes due have been paid prior to the sale, shall be sold for taxes, the city clerk shall make an entry in accordance with the facts upon the record of tax sales opposite to the description of the property.

SEC. 48. No sale of real property for taxes shall be invalid on account of the same not being listed and assessed in the name of the proper owner thereof, if such real estate shall be, in other respects sufficiently described, and the taxes thereon were due and unpaid at the time of the sale thereof. And in describing any property, or stating the value thereof, or the amount of taxes due thereon, figures and the usual abbreviations may be used, in any

list, warrant, notice, or other proceeding in relation to the assessment or collection of taxes.

SEC. 49. In all cases arising in the assessment of property for taxation, or the collection of taxes thereon, not herein provided for, the laws of the state in relation thereto, so far as the same may be applicable, shall be pursued and adhered to.

PASSED June 17, 1856.

CHAPTER XXXIII.

STREET TAXES.

An Ordinance in relation to Street Taxes.

SECTION 1. All male residents of the city over the age of twenty-one years, and under the age of fifty years, (not members of the city council or registered firemen,) shall labor not exceeding three days in each year upon the streets and alleys of the city, in the wards in which they may respectively reside, or pay, in lieu thereof, two dollars to the city treasurer, on or before the first day of July annually.*

SEC. 2. The city supervisor shall, at least twenty days before the first day of July in each year, by publishing an advertisement, for ten days, in each daily newspaper printed in the city, and also by posting up printed hand bills in at least five of the most public places of each ward, cause notice to be given to all male residents of each ward, subject to perform street labor, requiring them to appear at the time and place designated in the notice, for the purpose of laboring upon the streets and alleys of their respective wards, or to pay two dollars into the city treasury in lieu of such labor, on or

* A power in a municipal charter to require all male inhabitants of the city to labor on the streets, alleys, and highways of the city or to pay a tax in lieu thereof, is constitutional.—*Alton vs. Sawyer*, 3 Scam. 127.

before the first day of July thereafter. The day or days specified in the notice during which persons subject to labor are required to appear for the purpose of laboring, shall be at least ten days prior to the first day of July. The notice may be substantially as follows, to wit:

“NOTICE TO STREET TAX PAYERS.

“CITY SUPERVISOR’S OFFICE,
Springfield, ———185— }

“All male residents of the city over twenty-one and under fifty years of age, subject to perform street labor, and residing in the —————ward, are hereby notified and required to appear at (the mayor’s office or such other place as may be designated,) at seven o’clock A. M., on —————the —————day of ———, (or between the ———and ———days of ———) instant, or next, with the necessary implements for the purpose of laboring upon the streets and alleys of the city in their ward, under the direction of the undersigned; or to pay, in lieu of such labor, two dollars into the city treasury, on or before the first day of July next. And if the street labor shall not be performed, or two dollars paid in lieu thereof, as is herein required, three dollars will be charged and collected by the assessor and collector.

A. B., City Supervisor.”

Notification to the residents of two or more wards, or of all the wards, may be given and embraced in the same notice; and if the supervisor shall neglect to give notice as is herein required, he shall be liable to the city for all loss that may occur from such neglect.

SEC. 3. The city supervisor shall attend at the time and place mentioned in his notice, and shall direct and supervise such persons as may appear for the purpose of performing street labor in their respective wards; and to all such as shall diligently labor upon the streets or alleys, under his direction or supervision, for three days, he shall give his receipt, stating the fact. He shall not receipt for or receive any money in lieu of labor, from any person, nor shall he transfer his duties as supervisor to any other person.

SEC. 4. He shall, on or before the tenth day of July in each

year, make out and return to the city clerk an alphabetical list of all persons who have labored for three days upon the streets and alleys, with the number of the ward in which such persons reside, designated with the proper figure opposite to their respective names, and with his certificate attached in the following form, to wit: "The undersigned, city supervisor of the city of Springfield, hereby certifies, that the persons whose names appear on the foregoing list have diligently labored for three days upon the streets and alleys of their respective wards, under my supervision, and that I have not receipted for or received any money in lieu of labor, nor transferred my duties to any other person.

A. B., City Supervisor."

SEC. 5. The city clerk shall, by the first Monday of August in each year, unless further time shall be given, make out and return to the city council, an alphabetical list of all persons whose names appear upon the poll books of the last general city election, with the ward in which each resides, designated with the proper figure or number thereof set opposite to his name, omitting such persons as have performed street labor or paid the tax in lieu thereof, and adding the names of such persons chargeable with street taxes as he may be able to ascertain, and shall charge three dollars to each person upon such list. He shall also examine the delinquent street tax lists for any prior year, or years, and shall enter and charge any street taxes due for any such prior year which he may deem collectable, noting the year for which the same is due.

SEC. 6 The city council, when the street tax list shall be returned by the city clerk, shall examine the same, and may direct to be added thereto, the names of such persons as they may ascertain to be liable for street taxes, or direct the names of such persons as are not liable, to be erased from the list; and upon the approval thereof, shall, by the passage of an order, direct a warrant to be issued for the collection of the street taxes therein charged.

SEC. 7. The city clerk shall, without delay, after the passage of the order, make out a warrant for the collection of the street taxes, signed by himself and the mayor, under the corporate seal, returnable within ninety days from the date thereof, and shall attach

STATE OF ILLINOIS,
City of Springfield. } ss.

[L. S.] Witness, A. B., mayor of the city of Springfield, and the corporate seal thereof, this—
day of———A. D., 185—.

SEC. 8. The city assessor and collector, shall collect the street taxes due, with his commission of four per cent. upon the amount thereof, for collecting the same added thereto, in the same manner, and with the same powers as taxes due upon personal property are collected. He shall add to the list the names of such persons as he may ascertain to be liable for street taxes for the current, or any former year, and may collect the street taxes due from such persons, in the same manner as if they had been originally listed by the city clerk. Upon the receipt of street taxes, he shall mark the word "paid" opposite to the name of the person paying the same, and shall give him a receipt therefor, stating the ward, and the year for which it is paid. He shall also note upon his list, the names of all

persons he may be unable to find, and the names of all persons not subject to street taxes, with the reason of such exemption ; and upon the approval of his return by the city council, he shall be credited with such portion of the list as may be uncollectable. His return shall be made upon oath that it is " true to the best of his knowledge and belief, " and may be substantially as follows, to wit :

CITY ASSESSOR'S AND COLLECTOR'S OFFICE
Springfield, ——— 185— }

To the city council of the city of Springfield : the undersigned, city assessor and collector of the city of Springfield, makes return of the foregoing warrant, that he has collected the several amounts of street taxes of the several persons charged therewith, in the list annexed thereto, opposite to whose names the word " paid " is written ; that he has made demand of all the other persons whose names appear upon said list, so far as he has been able after diligent search to find them ; that he has entered upon such list the names of all persons liable for street taxes, so far as he has been able with diligence to ascertain the same : that he has not received any money for street taxes due, of any person not entered upon such list, and marked paid : that he has been unable to find the persons marked " not found " opposite to their respective names : that the persons noted in the list are to the best of his belief not subject to street taxes, for the reasons specified opposite to their respective names ; and that he has not been able to collect the street taxes due from the persons liable therefor, not marked paid on the list, or to find any personal property belonging to them, or either of them, out of which such taxes could be made. He therefore returns the said warrant, unsatisfied as to all street taxes due, and not marked paid on the list annexed thereto.

—————, city assessor and collector.

SEC. 9. Street taxes due may also be collected of the person liable therefor, at any time before or after the return of the warrant, by suit in the name of the city before any court having jurisdiction ; and the city council may order suit to be brought against all persons for the collection of delinquent street taxes, or such part thereof as may be collectable.

PASSED May 22, 1856.

CHAPTER XXXIV.

TOWN BRANCH.

An Ordinance in relation to the Town Branch.

SECTION 1. No person shall obstruct, fill up, or change the channel of the town branch, or of any other branch or natural drain within the city, without the consent of the city council, under a penalty of not less than ten dollars, and a like penalty for each day the same may be continued.

SEC. 2. Any person who shall desire to fill up, straighten, or otherwise change the channel of any branch or natural drain, or any part thereof, shall apply to the city council for permission therefor, and the same shall be done in such manner as they shall direct.

SEC. 3. The city engineer, when required by the city council, shall survey, and make out a plat of any branch or natural drain, and report the same, with his plans for filling up, changing, straightening, or sewerage, to the city council; and when the same shall be approved by them, all filling up, changing, or sewerage of the channel of any such branch or natural drain, shall be done in accordance therewith; and all straightening or changing of the channels of such branches and natural drains, shall be made with reference to the future sewerage of the same, if practicable. The city engineer shall superintend the filling up or changing of the channels of branches or natural drains, and shall see that it is done properly,—and the construction of all sewers therein, and see that they are securely built, and of sufficient capacity to carry off the water.

PASSED August 13, 1856.

An Ordinance relative to the Town Branch.

II.

SECTION 1. That the town branch through Bullock's addition to the city, commencing at the north line of Adams street, and ending at the south line of Washington street, is hereby established as

follows, to wit: Beginning (in the center of the channel of said branch,) at a point eleven feet south, eighty-eight degrees east, from the south-west corner of lot No. twenty-six of said addition, and running thence in a straight line to a point eleven feet north, eighty-eight degrees west, from the north-east corner of lot No. twenty-seven in said addition, as shown by the plat of the same, recorded in the office of the recorder of Sangamon county.

SEC. 2. The city engineer and surveyor is hereby directed to enter a copy of the plat of said branch, as the same is herein established upon the "city record of grades," in his office.

PASSED October 29, 1855.

CHAPTER XXXV.

TRANSIENT TRADERS.

An Ordinance regulating and licensing Transient Traders.

SECTION 1. No transient trader shall within the city, sell or barter by retail, or shall offer or expose for sale or barter by retail, either by sample or other specimen, or by list, catalogue or otherwise, any goods, wares or merchandise, not being agricultural products, or articles manufactured within this State, whether such trader be the maker or manufacturer thereof or not, without a license therefor, under a penalty of not less than fifty dollars in each case.

SEC. 2. For a license to a transient trader to sell goods, wares and merchandise under the provisions hereof, there shall be taxed and collected five per cent. upon the value of the goods, wares and merchandise owned by, or in the possession of such person, as his stock in trade. Such value to be stated in his application for a license, and ascertained and verified by the oath of the applicant; and if the mayor and clerk shall not be satisfied with such valuation, they may appoint any two disinterested and reputable merchants of the city, to fix the value of the goods, wares and merchandise of

such transient trader, and the valuation so fixed by them shall be final and conclusive.

SEC. 3. No person or copartnership of persons shall, under or in his or their name, or firm, or at his or their place of business, or elsewhere, within the city, suffer or permit any transient trader to sell or barter, or to expose or offer for sale or barter by retail, either by sample or other specimen, or by list, catalogue or otherwise, any goods, wares or merchandise, contrary to the provisions hereof, under a penalty of not less than fifty dollars.

SEC. 4. The term "transient trader," shall be construed to mean any person not permanently transacting business within the city, and not paying all city taxes upon his stock in trade, regularly and legally assessed and collected, upon the stock in trade of permanent merchants and traders.

PASSED September 17, 1857.

CHAPTER XXXVI.

TREASURY DEPARTMENT.

An Ordinance establishing and regulating the Treasury Department.

SECTION 1. The city clerk shall audit all accounts allowed by the city council, and correct any errors that may be found therein, and upon ascertaining the amount due, he shall draw his warrant upon the city treasury therefor, signed by the mayor and countersigned by him.*

He shall keep, in a suitable book, an accurate list of all warrants drawn on the treasury, stating the date, number, and amount thereof, and the name of the person in whose favor drawn; and he shall take the receipt of such person for the warrant upon the delivery thereof.

* A city warrant or order may be pleaded as a *set off* in a suit brought by the city against the holder thereof, to recover a penalty under the ordinances of the city.—*Springfield vs. Hickox*, 2 Gil. Rep. 241.

SEC. 2. The city clerk shall keep a day-book, journal, and ledger, and such other books as may be necessary, and shall keep all accounts pertaining to the finances of the city by double entry.

He shall keep an accurate account with all city officers and others collecting or receiving any moneys, property, or claims on account of the city, charging them with all moneys or property received by them, or claims placed in their hands for collection, and crediting them with all moneys paid into the treasury, upon their filing the treasurer's receipts, or with accounts or claims uncollectable, or other proper credits, upon filing the proper vouchers. The treasurer shall be credited with all warrants cancelled and returned.

SEC. 3. The clerk shall keep a detailed and specific account of the city revenue, keeping an account with each separate fund, crediting the same with all receipts, and charging it with all appropriations or warrants drawn thereon.

He shall keep an accurate account of all debts due by, or owing to the city, and shall keep a bill book in which he shall enter a correct list of all bonds, notes, or other obligations given by or payable to the city, with the date thereof, the person to whom or by whom owing or payable, and the rate of interest, and the time and manner in which the principal and interest are payable, and such other particulars as may be necessary to a full understanding of the tenor thereof.

He shall charge each warrant to the fund or appropriation on which it is drawn.

SEC. 4. The city treasurer shall keep a day-book, journal and ledger, and such other books as may be necessary, and shall keep by double entry an accurate account of all moneys received and disbursed by him on account of the city, stating from whom and on what account received, and to whom and on what account paid.

He shall keep an accurate account with each separate fund, or general appropriation, and of the debits and credits properly belonging thereto.

He shall keep an accurate list of all warrants received or redeemed by him, stating the date, number, and amount thereof, to whom issued, and from whom and the date when received.

He shall cancel all warrants as soon as received by him.

SEC. 5. He shall, on the first Monday of each month, report to the city council an accurate statement of all receipts and payments for the preceding month, and return all warrants, cancelled, to the city clerk, taking his receipt therefor; and the clerk shall credit him with the amount of such warrants.

No warrant shall be paid by the treasurer, except to the person to whom the same is payable, or to his executor, administrator, or assignee, indorsed thereon. And if he shall receive any warrant contrary to this provision, he shall be liable for all loss that may occur thereby.

SEC. 6. The city treasurer shall give duplicate receipts to the officer or person paying any moneys into the treasury on account of the city, one of which shall be filed with the city clerk, who shall charge and credit the proper accounts therewith.

He shall receive no payment of money or warrants unless upon the order of the city clerk, which he shall file and preserve.

No receipt shall be valid unless the duplicate thereof shall be filed with the city clerk.

SEC. 7. When any warrant shall be lost or destroyed, so that it cannot be presented for payment by the person entitled thereto, the city clerk may issue to the person entitled to receive payment of such warrant, a duplicate thereof, upon his filing the proper affidavit of the loss or destruction thereof, and shall certify the same to the treasurer, who shall pay such duplicate warrant. But if it shall appear from the affidavit that the warrant was assigned in blank, or negotiable, the clerk shall not issue a duplicate until the person claiming payment of the warrant shall give bond or other writing, with satisfactory security, to refund the amount of the warrant, and pay all costs and charges, in case the original warrant shall be presented, and the city may legally be compelled to pay the same.

SEC. 8. Whenever any city officer shall neglect or refuse to pay over any moneys, or to make proper settlement of his accounts, or of any claim of the city placed in his hands for collection as required by ordinance, or whenever upon the adjustment of the account of any city officer, any moneys shall be found due by him to the city, and the same shall not be immediately paid into the

city treasury, and the treasurer's receipt therefor filed with the city clerk, the city clerk shall forthwith report such officer, with an abstract of his account, to the city council, who shall, by an order, require him to make proper settlement of his accounts, or of all claims of the city placed in his hands for collection, and to pay into the city treasury without delay, all moneys due the city, and to return to the city clerk all claims in his hands. Notice of such order shall be given to such officer, and to his sureties, by the mayor, and upon his default to comply therewith, suit may be brought upon his official bond for the amount with which he stands charged, or such other measures may be taken as will secure the city from loss. An abstract of the account of such officer, certified to by the city clerk under the corporate seal, shall be delivered to the city attorney, and shall be sufficient to commence suit against such officer and his sureties upon his official bond; before any court having jurisdiction.

SEC. 9. No account shall be allowed, or warrant drawn in favor of any person indebted to the city, or of his assignee, except for the balance which may be due over and above the amount due the city.

SEC. 10. The committee on finance shall prescribe the manner in which the books and accounts of all city officers shall be kept, in order to establish uniformity therein. They shall, at least quarterly examine the books, accounts, and papers of all city officers, and see that they are properly, regularly, and neatly kept and preserved, and that the books and papers belonging to the offices of the clerk, treasurer, and assessor and collector, are secure from loss or accident by fire; and they shall report to the city council any neglect or refusal on the part of any city officer to keep his books or accounts properly, or to preserve any papers pertaining to his office. Any officer who shall neglect or refuse to keep his books or accounts, or to preserve any papers pertaining to his office, as required by ordinance, or in such manner as the committee on finance shall prescribe, may be removed from office for incompetency.

SEC. 11. The committee on finance shall, on or before the third Monday preceding the first Monday of April in each year, make settlement with all city officers, and final settlement at the expiration

of their terms of office, and report the same to the city council. If they shall be unable to make settlement with any officer, they shall state the fact, and the causes which prevent such settlement.

SEC. 12. The city clerk shall annually, on the third Monday preceding the first Monday of April, report to the city council an accurate statement of all receipts and expenditures since the last annual report, showing for what purposes received, and for what objects expended,—the amount of general taxes received from each ward, and the amount expended for local improvements in the same, the debt due or owing by, and amounts owing to the city, and the object or purpose for which created or owing, and such other matters as may be necessary to a full understanding of the financial condition of the city.

SEC. 13. The city treasurer shall, on the third Monday preceding the first Monday of April annually, report to the city council a full and complete statement of the transactions of his office since the last annual report, showing the amount of all revenues and expenditures, the sources from whence derived, and the purposes for which expended or appropriated, and the state of the treasury.

Any other city officer, if required, shall report to the city council at the same time, a complete statement of the transactions of his office for the preceding year.

SEC. 14. The fiscal year of the city shall commence on the third Monday preceding the first Monday of April in each year.

PASSED May 22, 1856.

CHAPTER XXXVII.

TREES.

An Ordinance in relation to Trees.

SECTION 1. All shade or ornamental trees placed along any street, shall be planted on a line two feet inside of the outer edge of the sidewalk or curbing, as defined and established by the ordinance relating to sidewalks. But no trees shall be planted on any sidewalk less than eight feet in width. Whoever shall plant or cause to be planted any tree upon any street or sidewalk contrary to the provisions hereof, shall be subject to a penalty of not less than one dollar for each tree planted, and the city supervisor or any police officer shall cause such tree or trees to be removed, and may collect the costs of such removal of the person liable therefor with the penalty, or in a separate suit in the name of the city.

SEC. 2. All trees shall be kept trimmed up so as not to incommode or obstruct the passage of persons along any sidewalk or street, and all trees within the lamp district shall be kept trimmed up so as not to obstruct the light from the street lamps along the streets or sidewalks, and if the owner or occupant of the premises, upon, fronting, or adjoining which such trees are situated, shall, after notice by any city officer, neglect or refuse to trim up the same as is herein required, the mayor shall, without delay, cause such trees to be trimmed up, and such owner or occupant shall be subject to a penalty of one dollar for each tree he shall so neglect or refuse to trim after such notice, and the costs of trimming the same may be collected and recovered with the penalty, or in a separate suit in the name of the city.

SEC. 3. Whoever shall willfully, maliciously, or negligently break, cut, or otherwise injure, deface, or destroy, any shade or ornamental tree upon any sidewalk or private premises, shall be subject to a penalty of not less than three dollars in each case.

PASSED May 22, 1856.

CHAPTER XXXVIII.

VEHICLES.

An Ordinance licensing and regulating Hackney Carriages and other Vehicles.

SEC. 1. No person shall pursue the occupation of carrying persons for hire, in any hackney carriage or other vehicle, from one place to another, within the city, or shall keep, own, or use any hackney carriage or other vehicle, for the purpose of carrying passengers for hire, from one place to another within the city, without a license therefor, under a penalty of not less than three dollars for each person so carried for hire without license. But the letting of carriages for hire by the owners or keepers of livery stables in the ordinary manner, and in the pursuit of their ordinary business, shall not be deemed a violation hereof.

SEC. 2. For a license to carry passengers for hire in a hackney carriage or other vehicle within the city, there shall be taxed and collected, ten dollars for one year, and six dollars for six months. But no such license shall be issued to any minor or non-resident of the city.

SEC. 3. The owner or driver of any licensed hackney carriage or other vehicle, (except omnibuses,) may charge and receive for the carriage of passengers, (the distance to be estimated by the most direct or eligible route,) as follows:—For the carriage of any passenger, not exceeding one mile, not exceeding fifty cents; for each additional passenger of the same family or party, not exceeding twenty-five cents; for conveying any passenger exceeding one mile, and any distance within the city, not exceeding one dollar; for each additional passenger of the same family or party, not exceeding twenty-five cents; for the carriage of children under the age of five years, when accompanying other passengers, no extra charge shall be made; and for carrying children between the ages of five and fourteen years, when in company with adult passengers, not exceeding one half the rates for additional adult passengers may be charged: for the use, by the day, of any hackney carriage, or other like

vehicle, with one or more passengers, not exceeding five dollars ; for the use of any such carriage or vehicle by the hour, with one or more passengers, with the right of going from place to place, and stopping as often as may be required, for the first hour not exceeding one dollar and a half, for the second hour not exceeding seventy-five cents, and for each succeeding hour not exceeding fifty cents.

SEC. 4. No owner or driver of any hackney carriage or other vehicle licensed as aforesaid, shall, when requested, (unless actually employed at the time,) refuse to carry any passenger, or having undertaken to convey any passenger, shall refuse or neglect to carry him or her as requested, or shall ask, take, charge or extort from any passenger, desiring to be or having been conveyed by him to any place within the city, any greater sum or rate of charges than is herein specified for the carriage of any passenger or passengers, under a penalty of not less than three dollars in each case.

SEC. 5. Each person licensed under the provisions hereof, shall, at all times, keep a certified copy of the third section hereof, and shall produce the same for the inspection of any person employing him, or desiring to employ him, who shall demand the same, under a penalty of not less than three dollars. And if any such person so licensed, shall produce to any person employing him, or desiring to employ him, a false copy thereof, he shall be subject to a penalty of not less than twenty-five dollars.

PASSED June 25, 1857.

CHAPTER XXXIX.

WARDS.

An Ordinance defining the wards of the city.

SECTION 1. The city shall be divided into four wards as follows, to wit :

The district bounded by the city limits on the east and north,

and on the west and south by a line commencing at the center point of intersection of Washington and Fifth streets, and running thence along the center of said streets east and north, to the city limits, shall constitute the first ward.

The district bounded by the city limits on the north and west, and on the east and south by a line commencing at the center point of intersection of Washington and Fifth streets, and running thence along the center of said streets west and north to the city limits, shall constitute the second ward.

The district bounded by the city limits on the south and west, and on the east and north by a line commencing at the center point of intersection of Washington and Sixth streets, and running thence along the center of said streets west and south to the city limits, shall constitute the third ward.

The district bounded by the city limits on the south and east, and on the north and west by a line commencing at the center point of intersection of Washington and Sixth streets, and running thence along the center of said streets east and south to the city limits, shall constitute the fourth ward.

PASSED May 22, 1856.

CHAPTER XL.

PUBLIC WORKS.

An Ordinance in relation to the Public Works and Improvements of the city.

SECTION 1. Before any public work or improvement shall be ordered by the city council, the probable cost thereof shall be ascertained, and at the time of the ordering thereof an appropriation shall, if practicable, be made sufficient to complete the same.

SEC. 2. When any public work or improvement shall be ordered by the city council, the probable cost of which shall exceed fifty dollars, unless otherwise specially directed in the order, it

shall be let by contract to the lowest, most reasonable and responsible bidder. The mayor shall give notice of the letting of any such work by publishing, for six days at least, an advertisement in the newspaper publishing the ordinances of the city, stating as specifically as may be the nature of the work, the place where specifications may be seen, and the time when bids will be received and opened. The bids or proposals for any contract shall be signed by the persons bidding, and inclosed in a sealed envelop, and shall, on the day named in the notice, at the hour of twelve o'clock noon, be opened by the mayor, in the presence of such of the bidders as may attend; and with the concurrence of the city engineer, and the proper committee, after examination of all the bids, he shall award the contract to the lowest, most reasonable and responsible bidder.

SEC. 3. The performance of the contract shall be secured by bond in double the contract price, conditioned for the faithful performance of the contract according to the terms thereof, and with such surety or sureties as may be approved by the mayor, and when the contract shall exceed one thousand dollars, at least two sureties shall be required. Each bid shall be accompanied with a statement signed by the persons offered as sureties, declaring their willingness to become such sureties in case the contract is awarded to such bidder, and guaranteeing that he shall, in case the contract is awarded him on his bid, enter into bond as is herein required, to perform the same according to the terms of his bid. The notice given by the mayor shall state these facts. No member of the city council, or other city officer, shall be a surety for any contractor or other person, upon any bond to or contract with the city.

SEC. 4. If any bidder shall fail to give bond, and enter into contract as is herein required, the contract may be awarded to the next lowest and most reasonable bidder, or if it shall be deemed best not to accept any bid made, on account of its being considered unreasonable, or not made in accordance with the requirements hereof, or the terms thereof not being sufficiently specific, such bids may be rejected and new notice given for proposals, as may be deemed best for the interests of the city.

If the sureties offered by any bidder shall not be approved, he may obtain others who will be approved; and if any bid shall not be considered sufficiently specific, the bidder may be required to file additional specifications.

Any bidder who shall fail to enter into contract, or shall fail to fulfill any contract entered into by him with the city, shall not be permitted to bid again directly or indirectly for any city work, unless for good cause shown, the city council shall remove his disability.

SEC. 5. All bonds and contracts shall be drawn by the city attorney, or submitted to him after having been drawn up for his approval of the form thereof, after receiving which before they shall be in force they shall be submitted to the mayor for approval, which, when given, shall be certified thereon by him, and they shall then be filed in the office of the city clerk, and copies thereof given when required. The bond shall in all cases, substantially set forth the contract.

SEC. 6. The mayor and city clerk, when any contract is completed, and upon the filing of the certificate of the officer under whose supervision the work was done, stating "*that he has inspected said work, and that it is done in all respects in accordance with the contract,*" may issue their warrant on the treasurer for the amount due such contractor; and they may, when stipulated in the contract, or with the consent of the city council, from time to time during the prosecution of the work, upon the filing of the certificate of the proper officer, stating "*that he has examined such work, and computed or measured the same, and verily believes that there is enough done to cover the estimate, and that it is done in accordance with the contract,*" advance to such contractor, and draw their warrant on the treasurer for such advance, reserving however in all cases at least *twenty per cent.* of the estimate to be paid when the contract is completed.

SEC. 7. The city engineer or city supervisor shall, when required by the mayor, the city council, or any of its committees, superintend the construction of any public work, and shall daily, or as often as may be necessary, examine any public work under his charge, while in progress, and see that the contractor is executing the same

properly ; and if the contractor shall fail or refuse to execute such work in accordance with the terms of his contract, he shall suspend the same, and report the facts to the mayor. No officer shall certify the account of any contractor who has failed to comply with the terms of his contract, nor in any case in advance of the work ; and if he shall do so, he shall be liable to the city for all loss that may occur thereby.

SEC. 8. In all contracts for street work, the city shall reserve the disposition of all surplus earth removed in excavations upon the streets and alleys, and no officer or contractor shall, in any manner, dispose of any such surplus earth, without the consent of the city council, under a penalty of not less than fifty dollars.

SEC. 9. No city officer shall be a contractor for any city work, or be directly or indirectly interested in any contract with the city, or be directly or indirectly interested in the furnishing of any materials, or hiring of carts or teams upon any city work coming under his supervision, under a penalty of not less than fifty dollars in each case, and he may, upon conviction thereof, be removed from office.

SEC. 10. Each contract made shall contain a clause "that the contract is entered into subject to the ordinances of the city, and to the power of the proper officer of the city to suspend the work, and of the city council to annul the contract for a failure of the contractor to perform the same on his part, according to the terms thereof ; but that such suspension or annulment shall not affect the right of the city to all damages and penalties claimable by it on account of the non-performance of the contract according to the terms thereof."

PASSED June 25, 1857.

TABLE OF ERRATA.

Page 15, 10th line from bottom—the word “The” should be “To.”

“ 47, 16th line—“1845” should be “1855.”

“ 48, 8th line—the word “at” should be “of.”

“ 57, 15th line—the word “of” should be “or.”

“ 62, 5th line—the word “in” should be “as.”

“ 68, 8th line from bottom—the word “registering” should be “re-registering.”

“ 92, 8th line—strike out word “a.”

“ 107, 13th line—the word “thereof” should be “therefor.”

“ 110, 17th line—the word “nor” should be “no.”

“ 130, 10th line—the word “foul” should be “fowl.”

“ “ 8th line from bottom—the word “material” should be “materially.”

“ 139, 13th line from bottom—the word “and” should be “or.”

“ 144, 8th line from bottom—strike out word “in” after “as.”

“ 152, 3d line from bottom—the word “council” should be “counsel.”

“ 206, 6th line from bottom—the word “such” should be “each.”

“ 231, 2nd line—the word “are” should be “and.”

CERTIFICATE OF AUTHENTICATION.

STATE OF ILLINOIS, }
City of Springfield. } ss.

We the undersigned, Mayor and City Clerk of the city of Springfield, do hereby certify that the foregoing, as corrected in the table of errata, are true and authentic copies of the Revised Ordinances of the city of Springfield, deposited in the office of the city clerk, and that the same were printed and published by authority of the city council of said city.

[L. S.]

In testimony whereof, we have hereunto set
our hands, and affixed the corporate seal of
said city, this first day of January, A. D.
1858.

JOHN W. PRIEST, Mayor.

WILLIAM E. KEEFER, City Clerk.

PART THIRD.

APPENDIX.

STATE LAWS RELATING TO THE CITY.

[NO. 1.]

An Act establishing the County of Sangamon. Approved January 30, 1821.—Laws of 1821, page 45.*

SEC. 2. That so soon as the county commissioners of said county shall be elected and duly qualified into office, they shall meet at some convenient place in said county, and determine on some place as near the center of the population of said county as circumstances will admit, and such place, when selected by the said county commissioners, shall be the temporary seat of justice for said county, until otherwise provided by law: *Provided, however,* that if the settler or settlers, owner or owners of the place so selected as aforesaid, shall refuse to have the temporary seat of justice fixed on his, her, or their improvements, then the said commissioners may determine on such other place contiguous thereto, as they may deem proper.

An Act establishing the permanent boundaries of Sangamon county, and providing for the permanent location of the county seat. Approved December 23, 1825.—Laws 1825, page 20.*

SEC. 2. That James Mason, Rowland P. Allen, Charles Gear, of Madison county, John G. Lofton, of Green county, and John R.

* In accordance with the provisions of the above acts, the county seat of Sangamon county, was on the 10th day of April, 1821, temporarily, and afterwards on the 18th day of March, 1825, permanently located at Springfield; and the title to a large portion of the now most valuable real estate in the city, is deduced and derived through the donation made to the county, in virtue of the above act, by the original proprietors of the town of Springfield, in consideration of the location of the county seat of said county at Springfield.

Sloo, of Hamilton county, or a majority of them, be and they are hereby appointed commissioners to locate the permanent seat of justice of said county; whose duty it shall be to meet at the present court house of said county, on the first Monday in March next, or within ten days thereafter, and after being duly sworn before some justice of the peace, shall proceed to determine upon the most suitable place for the permanent county seat of said county, having in view the geographical situation of said county, its present and the future population and permanent interests of said county. And such selection, when made as aforesaid, by said commissioners, shall be and forever remain the permanent county seat of said county.

SEC. 3. That the person or persons upon whose land the county seat as aforesaid shall be located, shall be required to make a donation of land to said county, of a quantity not less than thirty-five (35) acres, to be laid off in such form as may be required by the commissioners aforesaid, and shall immediately make and execute a general warranty deed in fee simple, for the same, to the county commissioners of said county, for the use of said county; and which said donation as aforesaid shall include the county seat so located as aforesaid (and being as conveniently situated as practicable,) which land, or such part as the county commissioners shall deem proper, shall be laid out into lots, and sold by said commissioners, upon such terms as they shall deem most advisable, having in view the interests of said county; the proceeds thereof shall be appropriated by said commissioners to the erection of county buildings for said county. *Provided, however,* that should the person on whose land the county seat shall be located as aforesaid, refuse to make the donation required by this act, the said commissioners shall immediately fix said county seat, (having in view the interest of the county aforesaid,) upon the lands of some person who will make the donation required by this act.

SEC. 4. That should the person or persons refuse to give said thirty-five acres, then the commissioners appointed to locate the county seat, shall locate the same upon the lands of the United States; and such location shall be made known to the county commissioners only, who shall immediately purchase the quarter section, or half quarter section, or fractional quarter section upon which the same shall be so located as aforesaid, or cause the same to be purchased, which purchase shall be made in the name of the county commissioners of said county, which shall be laid off in the same manner, and for the same purposes, as specified in the third section of this act.

SEC. 5. That the county commissioners shall have power to

make and execute conveyances on behalf of said county, for said lots so sold by them as aforesaid, which conveyances shall vest the fee simple thereof in the purchasers of the same.

TOWN OF SPRINGFIELD.

An Act concerning the town of Springfield.— Laws of 1827, page 23.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That the county commissioners court of the county of Sangamon, shall at the next March term of said court, and annually thereafter, appoint a supervisor for the town of Springfield, in said county, who shall have power, and whose duty it shall be to open, clear, repair, improve, superintend and keep in good order, all the main and principal streets in said town.

SEC. 2. The supervisor when so appointed, shall give ten days notice to all persons who have obstructed or otherwise impaired said streets, to remove such obstructions, and repair the injuries such person or persons have done said streets by obstruction or otherwise; and if the same be not done by the time limited in said notice, the supervisor shall immediately proceed to remove or demolish the same; and in all such cases where the offender so fails or refuses to repair such injuries, or remove such obstructions, it shall be lawful for the said supervisor to institute a prosecution in his own name, against the person so offending, who, upon conviction thereof before any justice of the peace in said county, shall be fined in any sum not less than fifty cents, nor more than ten dollars.

SEC. 3. It shall be the duty of the supervisor, as soon as practicable, to have all the trees and stumps in any of the streets described as aforesaid, cut off as nearly level with the ground as possible; and after said streets have been opened, repaired, and the obstructions removed as aforesaid, any person who shall thereafter impair, obstruct by wood, wagons, carts or otherwise, any such streets for the time of six hours together, shall be fined, upon complaint thereof made by any voter of said town, before any justice of the peace in said town, in any sum not less than fifty cents, nor more than five dollars, by action of debt to be commenced and prosecuted in the name of said supervisor. And it shall moreover be the duty of said supervisor, to repair the injury so done, or remove such obstruction; for which he shall be entitled to demand the costs of the same, including his own trouble, of the person so

offending, and if the same be not paid, he shall be entitled to his action for the same before any justice of the peace, as before provided for as supervisor aforesaid.

SEC. 4. It shall be the duty of said supervisor, at all times to keep the streets, bridges, causeways, and all such other parts of said town that come within his duty, in good order and repair; and upon failure thereof, he may from time to time, as he may so fail or refuse, be prosecuted at the complaint of any voter of said town, before any justice of the peace of said county, and may for good cause shown, be fined in any sum not less than fifty cents, nor more than five dollars.

SEC. 5. It shall be the duty of each and every justice of the peace living within the boundary of said town, upon the petition of a majority of the qualified voters of said town praying therefor, to make an order to be entered on his docket, a copy of which shall be served upon the supervisor, by any sworn officer, a certificate of which service shall be returned to the justice who issued the same, commanding him forthwith to remove all nuisances, obstructions, grievances, or other public inconveniences, not herein before provided for, or expressed in this act, that may exist in said town, that affect the public streets, or that are offensive to common decency, or detrimental to public morals; which order, when so made, shall be in force until the same is annulled by a petition of a majority of the qualified voters as aforesaid, and may be enforced from time to time, upon the complaint of any qualified voter as aforesaid, substantiated by proof, whenever the same shall be violated.

SEC. 6. It shall be the duty of every justice of the peace so making such order, to cause to be posted up copies of the same in five of the most public places of said town; and after they shall have been so posted as aforesaid, any person who shall willfully violate the provisions contained in said order, or shall tear down, obliterate, alter, or deface the language of the same; every person so offending shall, upon the complaint of said supervisor, or voter, as aforesaid, (in the name of said supervisor,) upon conviction thereof before any justice of the peace, be fined in any sum not less than fifty cents, nor more than twenty dollars.

SEC. 7. All male persons residing in the town of Springfield, bound to work on the public highways, shall if necessary be bound to labor, in addition to the labor they are now bound to employ on the public highway, one day in addition on the streets of said town: and if such labor is insufficient, it shall be lawful for the county commissioners to levy an *ad valorem* tax upon the citizens of said town, at the rate of one quarter per centum or less, to be collected by said supervisor, from a list furnished him of the tax-

able inhabitants of said town by the clerk of the county commissioners' court of said county, to be appropriated to the improvement of the streets of said town.

SEC. 8. All fines and penalties herein provided for, shall, when collected by any officer or otherwise, be deposited in the hands of said supervisor, who shall appropriate the same to the improvement of said streets.

SEC. 9. If any officer shall fail, neglect or refuse to pay over to said supervisor any money so collected, said supervisor may have an action of debt against him for the amount of the same, before any justice of the peace. And if any supervisor shall fail or refuse to appropriate any money by him so received or shall refuse to account to the county commissioners' court of said county when called upon for that purpose, for the same, said court may proceed to enter judgment against said supervisor for the amount so retained, and shall have execution therefor; which when collected, shall be appropriated exclusively as aforesaid.

SEC. 10. When any street shall be so opened, or if the opening of any street in said town shall be deemed useless and burdensome, it shall be lawful for two-thirds of the qualified voters of said town, to petition the county commissioners' court of said county, to have the same excepted from the ordinary labor bestowed on the other streets. And it shall be the duty of said court to make an order to that effect, which order shall specify the particular street or streets so excepted, and direct the clerk of said court to furnish the supervisor with a copy of said order, which shall restrict the supervisor thereof from any further labor on said street or streets, other than is provided in said order, which at any time may be rescinded upon the like petition of two-thirds of the qualified voters as aforesaid.

APPROVED February 9, 1827.

TOWN CORPORATION.

The "Town of Springfield" was first incorporated April 2, 1832, under the provisions of the following act, of the General Assembly of the state:

An Act to incorporate the inhabitants of such towns as may wish to be incorporated.—
Laws of 1831, page 82.

SECTION 1. *Be it enacted by the people of the State of Illinois, re presented in the General Assembly:* That whenever the white males over the age of twenty-one years, being residents of any town in

this state containing not less than one hundred and fifty inhabitants, shall wish to become incorporated for the better regulation of their internal police, it shall be lawful for the said residents, who may have resided six months therein, or who shall be the owner of any freehold property therein, to assemble themselves together, in public meeting, at the court house or other place in said town, and when so assembled, they may proceed to choose a president and clerk of the meeting from among their number, both of whom shall be sworn, or affirmed, by any person authorized to administer oaths, faithfully to discharge the trust reposed in them as president and clerk of said meeting: *Provided, however,* that at least ten days' public notice of the time and place of holding such meeting, shall have been previously given by advertising in some newspaper of the town, or by setting up written notices, in at least three of the most public places in such town.

SEC. 2. The residents, as aforesaid, of any town having assembled as directed in the first section of this act, may proceed to decide by vote, *viva voce*, whether they will be incorporated or not, and the president and clerk, after their votes are given in, shall certify under their hands, the number of votes, in favor of being incorporated, and the number against being incorporated; and if it shall appear that two-thirds of the voters present, are in favor of being incorporated, the president and clerk shall deliver a certificate of the state of the polls to the board of trustees, to be elected as hereinafter provided.

SEC. 3. Whenever the qualified voters, under this act, of any town, shall have decided in the manner herein provided, that they wish to be incorporated, it shall be the duty of the clerk of the meeting, at which they may so decide, to give at least five days' previous public notice to the said voters, to assemble at the court house, or some other public place in such town, on a day to be named in such notice, to elect by *viva voce* vote, five residents and freeholders of such town, for trustees of the same, who shall hold their office for one year, and until other trustees are chosen and qualified; at which first election, the president and clerk of the first meeting shall preside, or in case of the absence of either of them, some suitable person shall be appointed by the electors present to fill such vacancy or vacancies. And at every succeeding election for president and trustees, the preceding board of trustees shall direct the manner in which the same shall be conducted.

SEC. 4. The board of trustees of any town elected agreeably to the provisions of this act, shall choose a president out of their own body, and the president and trustees aforesaid, and their successors

in office, shall thenceforth be considered in law and equity, a body corporate and politic, by the name and style of "the president and trustees of the town of ———," and by such name and style shall be forever able and capable in law and equity to sue and be sued, to plead and be impleaded, to answer and be answered unto, defend and be defended in all manner of suits, actions, complaints, pleas, causes, matters and demands, of whatever kind or nature they may be, in as full and effectual a manner, as any person or persons, bodies corporate, or politic can, or may do, and may have a common seal, and may alter the same at pleasure. The said president and trustees shall require their clerk to keep a fair journal and record of all their proceedings, and record all by-laws and ordinances which they may make, in a book to be provided for that purpose.

SEC. 5. The president and trustees, or a majority of them, of any town incorporated as herein directed, shall have power to make, ordain, and establish, and execute such ordinances in writing, not inconsistent with the laws, or the constitution of this State, as they shall deem necessary to prevent and remove nuisances, to restrain and prohibit gambling, or other disorderly conduct, and to prevent the running of, and indecent exhibitions of horses, within the bounds of such town; to provide for licensing public shows; to regulate and establish markets; to sink and keep in repair public wells; to keep open and in repair the streets and alleys of such town, by making pavements, or side walks, as to them may seem needful: *Provided always*, that the lot in front of which any side walk is made, shall be taxed to pay at least one-half of the expenses of making such side walk. The said president and trustees shall also have power to provide such means as they may deem necessary to protect such town from injuries by fires. And for the purpose of carrying the aforesaid powers into effect, the said president and trustees shall have power to define the boundaries of such town: *Provided*, that the same shall not exceed one mile square, and to levy and collect annually a tax, on all the real estate in such town, not exceeding fifty cents on every hundred dollars, of assessment valuation thereof.

SEC. 6. It shall be the duty of the said president and trustees, to cause all the streets and alleys of such town, and all the public roads passing from and through such town, for one mile from the center thereof, to be kept in good repair; and to this end, they are authorized to require every male resident of such town, over the age of twenty-one years, to labor on said streets, alleys and roads, at least three days in each and every year; and if such labor shall be insufficient, to appropriate so much of the tax levied on real estate, as may be necessary to keep the said streets, alleys and roads in

repair ; and also to appoint and prescribe the duty of all such officers, for such town, as they may deem necessary to carry into effect the foregoing powers. The collectors of the corporation tax, and the treasurer, shall severally give bond, made payable to the president and trustees, and their successors in office, with good and sufficient securities, in such sums as may by said president and trustees be deemed advisable ; and a clause shall be inserted, that if at any time additional security be required, the same shall be given : the conditions of which bonds shall be that the officer shall faithfully perform the duties of his office ; and said officers shall remain in office one year, (unless sooner removed,) and until others shall be appointed, and shall have given bonds.

SEC. 7. The said president and trustees, elected under this act, shall continue in office for one year, and until their successors shall be elected and qualified. And it shall be their duty, before their time expires, to give at least ten days' public notice to the qualified voters, under this act, to meet at such place as they may name, in such town, and elect a new board of president and trustees, for such town ; and all vacancies, which may happen in said board by resignation, or otherwise, before their term of office expires, shall be filled by the other members of the board. The proceedings of said board shall always be public ; and all their ordinances, before taking effect, shall be published for at least ten days, in a newspaper of such town, or by setting up copies of the same, in three of the most public places in such town. A majority of said board shall constitute a quorum.

SEC. 8. All moneys arising from the collection of taxes, fines, penalties, and forfeitures, shall be appropriated by said president and trustees towards the erecting, improving, and regulating those objects which, by this act, are placed under their control and jurisdiction, and to none others. And it shall be their duty to have an account current of the fiscal concerns of the corporation so kept, as will at all times, show the true situation of the same to such as may desire to inspect the same ; and the said president and trustees shall have full power to enforce their ordinances, by authorizing the person or persons by them appointed to collect any tax imposed in pursuance of this act, to collect the same by distress and sale of goods and chattels of the person chargeable with the same, on giving at least thirty days' public notice of the time and place of such sale ; and, if no goods and chattels of the person chargeable with said tax can be found, it shall be lawful to sell any town lot, owned by such person, or, so much thereof, as will pay the tax due and in arrear from any such person, upon giving at least thirty days' notice of the time and place of making such sale, paying to the owner, or

owners, the overplus, if any. The president and trustees may impose fines for the breach of their ordinances ; but no fine shall be inflicted on any one person, for any one breach of any ordinance, of more than five dollars, which fine may be recovered before any justice of the peace, by action of debt, in the name of the president and trustees of such town, and collected by execution, as other judgments of justices of the peace. All fines collected in pursuance of this act, shall by the officer collecting the same, be paid over to the treasury of the corporation ; and, for an omission to do so, such officer may be proceeded against by the president and trustees, in an action of debt for the same.

SEC. 9. Two-thirds of the qualified voters of any town, incorporated according to the provisions of this act, shall have power to dissolve the same, at any annual election for president and trustees, by voting against the incorporation, as is directed in the second section of this act.

SEC. 10. Whenever a president and trustees shall be elected for any town as herein directed, it shall be the duty of the president and clerk of the first meeting, provided for in the first section of this act, to deliver to them a certified statement in writing, of the polls at said first meeting ; and it shall be the duty of such president and trustees, to deposit the same with the clerk of the county commissioners' court, of the proper county to be entered on record, in his office ; and before entering upon their duty, to take an oath to discharge their duty according to their best abilities.

SEC. 11. Whenever any town shall be incorporated by this act, all other laws incorporating the same, or made to regulate in any way the internal police of such town, shall be considered as repealed. The inhabitants of any town incorporated by this act, shall not be required to work upon any road except as herein required. And whenever any town corporation shall be dissolved according to this act, all persons having any funds belonging to such corporation in their hands, shall pay the same into the county treasury ; and all bonds and securities taken for the same by such corporation, shall vest in the county commissioners for the use of such county, who may have and maintain any proceedings thereon in law or equity, which might have been had by the said corporation.

APPROVED February 12, 1831.

An Act further defining the powers and duties of Trustees of incorporated towns — Laws of 1835, page 175.

SECTION 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly:* That the president and trustees of towns, which have or may become incorporated in conformity with the provisions of the act entitled “An act to incorporate the inhabitants of such towns as may wish to be incorporated,” approved 12th of February, 1831, are hereby vested with power to appoint a town constable, and authorize him to execute all writs, process and precepts which may be issued against persons for the violation of the laws of the corporation, and to arrest on view, all persons who may violate such laws, and to collect all fines, forfeitures, and penalties which may be assessed or recovered for the use of the corporation, and to require bond and security of said constable, in such sum as they may deem proper. The said president and trustees are also vested with power to declare what shall be considered a nuisance within the limits of the corporation, and to provide for the abatement or removal thereof; also, to regulate the speed which horses or other animals may be rode or driven within the limits of the corporation; to provide for the trial and punishment of persons who may be engaged in assaults, assaults and batteries, and affrays within the limits of the corporation, and to provide that such punishment may be inflicted, for any offense against the laws of the corporation, as is or may be provided by law for like offenses against the laws of the state; *Provided*, that no person shall be deprived of the right of trial by jury in any case where such person would be entitled to a trial by a jury, for a like offense against the laws of the state.

SEC. 2. The president and trustees aforesaid, are further authorized to provide for the punishment of offenders by imprisonment in the county jails, in all cases where such offenders shall fail or refuse to pay fines which may be assessed, or for forfeitures or penalties which may be recovered; *Provided*, that no person shall be imprisoned under the provisions of this section for a longer period than twelve hours for every five dollars for any fine assessed, or forfeiture or penalty recovered.

SEC. 3. The said president and trustees are also authorized to adopt such laws for the security of wagons, and other carriages which may be used within the limits of the corporation, and for the protection of the inhabitants against injury by reason of horses and other animals fastened to such wagons or carriages running with the same, as they may deem necessary; also to provide for the

punishment of persons who may at any time disturb the peace of the inhabitants of the town, or the deliberations or proceedings of any public meeting of such inhabitants.

SEC. 4. The said president and trustees shall also have power to regulate the fees and compensation of all officers of the corporation.

This act shall take effect from and after its passage.

APPROVED January 31, 1835.

TOWN OF CALHOUN.

An Act for the re-survey of the town of Springfield.—Private laws of 1833, page 210.

WHEREAS, in the county of Sangamon, a town plat of the town of Calhoun has been recorded which is adjacent to and forms a part of the town of Springfield, the seat of justice of said county, and deeds have been made for lots both as being in the town of Calhoun and Springfield, from that part of the town plat recorded as Calhoun. Therefore

SECTION 1. *Be it enacted by the people of the state of Illinois represented in the General Assembly:* That all deeds made for lots from that part of the town plat recorded as Calhoun, being either named in the deed Calhoun or Springfield are hereby declared valid, and hereafter said plat of the town of Calhoun shall be forever known and declared as part of the town of Springfield.

APPROVED February 20, 1833.

SEAT OF GOVERNMENT.

An act permanently to locate the Seat of Government of the State of Illinois.

Laws of 1837, page 321.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That the two houses of the general assembly shall meet in the hall of the house of representatives on the 28th day of February, 1837, at 10 o'clock, A. M., and then and there proceed by joint vote to select some suitable point or place for the permanent location of the seat of government for the State of Illinois: *Provided further,* that said election shall not continue more than one day.

SEC. 2. Each member shall be at liberty to vote for whatever

point or place he may choose ; and no point or place shall be deemed selected until it shall have received a majority of all the votes given.

SEC. 3. In case no point or place shall receive a majority of all the votes given on the first vote, the two houses shall continue to vote until some point or place shall receive such majority : *Provided* that this section shall not be construed to prevent an adjournment from day to day.

SEC. 4. When any point or place shall have received a majority as aforesaid, such point or place shall be and remain the permanent location of the seat of government for the State of Illinois, from and after the time for which it is fixed at Vandalia shall have expired, and the sum of fifty thousand dollars is hereby appropriated for the purpose of erecting a state house and other needful buildings (if any) which shall be expended under the direction of three commissioners, to be appointed by the present general assembly : *Provided*, that this act shall be null and void unless the sum of fifty thousand dollars be donated by individuals, and secured by bonds, and security to be approved of by the Governor, and made payable to the state treasurer, to become due at such times as the Governor shall direct ; which bonds shall be executed and filed with the state treasurer, on or before the first day of May next, and which donation is especially designed to meet the appropriation herein before made, and shall be applied exclusively and immediately to that object, and also, unless a sufficient quantity of ground not less than two acres, upon which to erect public buildings, be donated and conveyed to the state without expense to the State of Illinois.

SEC. 5. An act entitled "an act permanently to locate the Seat of Government of Illinois," approved February 5th, 1833, is hereby repealed : *Provided, however*, that if the general assembly shall fail to select a point for the Seat of Government as provided for in this act, then and in that case this section shall be void and of no effect. This general assembly reserves the right to repeal this act at any time hereafter.

APPROVED February 25, 1837.

An act supplemental to an act to permanently locate the Seat of Government of Illinois.
Laws of 1837, page 322.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly :* That the county commissioners' court of Sangamon county is hereby authorized and empowered to convey to the Governor of the State of Illinois, for the use of the people of said state, all that piece or parcel of ground situate,

lying and being in the town of Springfield, county of Sangamon and State of Illinois, known as the "public square," containing two and a half acres, be the same more or less, upon which piece or parcel of ground when conveyed as aforesaid, shall be erected a state house and other necessary public buildings for the State of Illinois. Archibald Job, of the county of Morgan, A. G. Henry, Thomas Houghan, of Sangamon county, are hereby appointed commissioners to superintend the erection of the public buildings aforesaid, who, before they enter upon the discharge of their duty shall enter into bond to the Governor of this State, with approved security in the penalty of ten thousand dollars each, conditioned for the faithful performance of their duties, and shall severally take an oath, that they will well and truly and diligently discharge all their duties as commissioners to superintend the erection of public buildings. They shall cause to be erected a building of suitable size for a state house, upon the most approved and convenient plan, and providing the necessary offices and committee rooms for public use. Said commissioners shall stipulate for all payments to be made out of the fund appropriated for that purpose and no other, and they shall be allowed three dollars per day for their services, out of the same fund.

SEC. 2. If the county commissioners' court of Sangamon county shall fail to convey the lot of land herein contemplated, the said commissioners shall procure a suitable and convenient lot of ground for the purposes aforesaid.

APPROVED March 3, 1837.

EXTENSION OF CORPORATE POWERS.

An Act to extend the corporate powers of the president and trustees of the town of Springfield.—Laws of 1837 (special session,) page 94.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That the president and trustees of the town of Springfield, in the county of Sangamon, and state aforesaid, and their successors in office, or a majority of them, shall hereafter have authority, in addition to the powers conferred upon them by an act entitled "an act to incorporate the inhabitants of such towns as may wish to be incorporated," approved February 12, 1831, to extend the boundaries of said town one-half mile in each direction beyond its present limits, and to open, widen, and extend the streets and alleys of the same, and to levy and collect annually,

a tax on all the real estate in said town as extended, not exceeding four per cent. per annum on the assessed value thereof, and to borrow money; *Provided*, that at no time shall the amount so borrowed exceed one hundred thousand dollars.

SEC. 2. All moneys arising from the collection of taxes, or from the loan or loans above authorized, shall be appropriated by the said president and trustees, and their successors, in such manner as in their opinion will best promote the interests of said town.

SEC. 3. The said president and trustees shall have power to enforce their ordinances, by authorizing the collector of taxes to sell any town lot or parcel of ground within the limits of said town, or so much as will pay the tax due and in arrear from the owner thereof, in such manner as is now authorized under the act approved February 12, 1831, aforesaid.

SEC. 4. When any street is opened, widened or extended, the president and trustees shall make the person or persons injured thereby compensation; to ascertain which, they shall cause to be summoned twelve good and lawful men, freeholders and inhabitants of said town, not directly interested, who being first duly sworn for that purpose, shall inquire into, and take into consideration as well the benefit as the injury which may accrue, and estimate and assess the damage sustained by reason thereof, and shall moreover estimate the amount which other persons will be benefitted thereby; all of which shall be returned to the board under their hands and seals; and the persons so benefitted and assessed shall pay the same in such manner as shall be provided, and the residue, if any, shall be paid into the town treasury.

SEC. 5. That upon the application of the owners of two-thirds of the lots on any street or part of a street, it shall be lawful for the president and trustees to levy and collect a special tax on the owners of the lots on said street or parts of a street, according to their respective fronts, for the purpose of grading and paving the streets and sidewalks in front thereof.

SEC. 6. This act to take effect from and after its passage.

APPROVED July 20, 1837.

CORPORATE POWERS RESTRICTED.

An Act in relation to the town of Springfield.— Laws of 1839, page 104.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That so much of the act entitled “an act to extend the corporate powers of the president and

trustees of the town of Springfield," approved July 20, 1837, as authorizes the extension of the boundaries of said town, be, and the same is hereby repealed.

SEC. 2. All of the territory included in any addition to the town of Springfield, in addition to the boundaries fixed by the president and trustees of said town, previous to the passage of the act of 20th of July 1837, shall from and after the passage of this act be and remain the boundaries of said town of Springfield.

APPROVED February 15, 1839.

ORIGINAL CHARTER.

An Act to incorporate the city of Springfield.—Laws of 1840, (special session,) page 6.

ARTICLE I.

BOUNDARIES AND GENERAL POWERS.

SECTION 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly:* That the inhabitants of the town of Springfield, in the county of Sangamon, and State of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of the city of Springfield, and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

SEC. 2. All that district of country inclosed within the following boundaries, to wit: Being in Sangamon county and State of Illinois, one mile square; the state house being the center, shall constitute the city of Springfield.

SEC. 3. The president and board of trustees of the town of Springfield, shall on or before the first day of March next, or as soon thereafter as practicable, divide the said city of Springfield into four wards, as nearly equal in population as practicable, particularly describing the boundaries of each.

SEC. 4. Whenever any tract of land adjoining the city of Springfield shall or may have been laid off into town lots and duly recorded as required by law, the same shall be annexed to and form a part of the city of Springfield.

SEC. 5. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to implead and be impleaded, defend and be defended in all courts of law and equity, and in all actions whatever. To purchase, receive and hold property, real and personal, beyond the city, for burial grounds, or for

other public purposes, for the use of the inhabitants of said city. To sell, lease, convey or dispose of property real and personal for the benefit of the city, and to improve and protect such property, and to do all other things in relation thereto as natural persons.

ARTICLE II.

OF THE CITY COUNCIL.

SECTION 1. There shall be a city council, to consist of a mayor and board of aldermen.

SEC. 2. The board of aldermen shall consist of one member from each ward, to be chosen by the qualified voters for two years.

SEC. 3. No person shall be an alderman unless at the time of his election he shall have resided six months within the limits of the city, and shall be at the time of his election a bona fide free-holder in said city, and twenty-one years of age, and citizen of the United States.

SEC. 4. If any alderman shall after his election, remove from the ward for which he is elected, or cease to be a free-holder in said city, his office shall thereby be vacated.

SEC. 5. At the first meeting of the city council, the aldermen shall be divided by lot into two classes, the seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one-half of the board shall be elected annually.

SEC. 6. The city council shall judge of the qualifications, election, and returns of their own members, and shall determine all contested elections.

SEC. 7. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

SEC. 8. The city council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected, expel a member.

SEC. 9. The city council shall keep a journal of its proceedings, and from time to time, publish the same, and the yeas and nays when demanded by any member present, shall be entered on the journal.

SEC. 10. No alderman shall be appointed to any office under the authority of the city, which shall have been created, or the

emoluments of which shall have been increased during the time for which he shall have been elected.

SEC. 11. All vacancies that shall occur in the board of aldermen, shall be filled by election.

SEC. 12. The mayor and each alderman, entering upon the duties of their office, shall take and subscribe an oath "That they will support the constitution of the United States, and of this State, and that they will well and truly perform the duties of their office to the best of their skill and abilities."

SEC. 13. Whenever there shall be a tie in the election of alderman, the judges of election shall certify the same to the mayor, who shall determine by lot in such manner as shall be provided by ordinance.

SEC. 14. There shall be twelve stated meetings of the city council in each year, and at such times and places as may be prescribed by ordinance.

ARTICLE III.

OF THE CHIEF EXECUTIVE OFFICERS.

SECTION 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and shall hold his office for one year, and until his successor shall be elected and qualified.

SEC. 2. No person shall be eligible to the office of mayor, who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age, or who shall not at the time of his election be a bona fide freeholder in said city, and a citizen of the United States.

SEC. 3. If any mayor shall, during the time for which he shall have been elected, remove from the city, or shall cease to be a freeholder in said city, his office shall be vacated.

SEC. 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the city council, who shall proceed to determine the same by lot, in such manner as may be provided for by ordinance.

SEC. 5. Whenever an election of mayor shall be contested, the city council shall determine the same, in such manner as may be provided by ordinance.

SEC. 6. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election.

ARTICLE IV.

OF ELECTIONS.

SECTION 1. On the third Monday of April next, an election shall be held in each ward of said city, for one mayor for the city, one alderman from each ward, and forever thereafter, on the third Monday of April, in each year there shall be an election held for one mayor for the city, and two aldermen from two of the wards; the first election held for mayor and aldermen shall be held, conducted, and returns thereof made as may be provided by ordinance of the present trustees of the town of Springfield.

SEC. 2. All free white male inhabitants, citizens of the United States, of the age of twenty-one years, who are entitled to vote for State officers, and who shall have been actual residents of said city six months next preceding said election, shall be entitled to vote for city officers; *Provided*, that the said voters shall give their votes mayor and aldermen in wards in the which they respectively reside, and in no other; and that no vote shall be received, at any of said elections, unless the person offering such vote, shall have been an actual resident of the ward where the same is offered, at least ten days next preceding such election.

ARTICLE V.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL.

SECTION 1. The city council shall have power and authority to levy and collect taxes upon all property, real and personal, within the city, not exceeding one half per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner prescribed by ordinance not repugnant to the constitution of the United States and of this state.

SEC. 2. The city council shall have power to require of all officers appointed in pursuance of this charter, bonds with penalty and security for the faithful performance of their respective duties as may be deemed expedient, and also to require all officers appointed as aforesaid to take an oath for the faithful performance of the duties of their respective offices upon entering upon the discharge of the same.

SEC. 3. To establish, support, and regulate common schools, to borrow money on the credit of the city; *Provided*, that no sum or

sums of money shall be borrowed at a greater interest than six per cent. per annum, nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one half of the city revenue arising for taxes assessed on real property within the corporation.

SEC. 4. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same.

SEC. 5. To appropriate and provide for the payment of the debt and expenses of the city.

SEC. 6. To establish hospitals, and make regulations for the government of the same.

SEC. 7. To make regulations to secure the general health of the inhabitants, to declare what shall be a nuisance, and to prevent and remove the same.

SEC. 8. To provide the city with water, to dig wells and erect pumps in the streets for the extinguishment of fires, and convenience of the inhabitants.

SEC. 9. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes and alleys.

SEC. 10. To establish, erect, and keep in repair, bridges.

SEC. 11. To divide the city into wards, and specify the boundaries thereof, and create additional wards, as the occasion may require.

SEC. 12. To provide for lighting the streets and erecting lamp posts.

SEC. 13. To establish, support, and regulate night watches.

SEC. 14. To erect market houses, establish markets, and market places, and provide for the government and regulation thereof.

SEC. 15. To provide for erecting all needful buildings for the use of the city.

SEC. 16. To provide for inclosing, improving, regulating all public grounds belonging to the city.

SEC. 17. To license, tax, regulate auctioneers, merchants and retailers, grocers, taverns, ordinaries, hawkers, peddlers, brokers, pawn brokers, and money changers.

SEC. 18. To license, tax, and regulate hacking, carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for the wagonage, cartage, and drayage of property.

SEC. 19. To license and regulate porters and fix the rates of portage.

SEC. 20. To license and regulate theatrical and other exhibitions, shows and amusements.

SEC. 21. To tax, restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.

SEC. 22. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

SEC. 23. To regulate the fixing of chimneys and the flues thereof, and stove pipes.

SEC. 24. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.

SEC. 25. To regulate and order parapet walls and partition fences.

SEC. 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all other cases not provided for by law.

SEC. 27. To provide for the inspection and measuring of lumber and other building materials: and for the measurement of all kinds of mechanical work.

SEC. 28. To provide for the inspection and weighing of hay, lime, and stone coal, the measuring of charcoal, fire wood, and other fuel, to be sold or used within the city.

SEC. 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal, and whiskey in barrels.

SEC. 30. To regulate the weight, quality, and price of bread sold and used in the city.

SEC. 31. To provide for taking the enumeration of the inhabitants of the city.

SEC. 32. To regulate the election of city officers, and provide for removing from office any person holding an office created by ordinance.

SEC. 33. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance.

SEC. 34. To regulate the police of the city, to impose fines, and forfeitures and penalties, for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

SEC. 35. The city council shall have exclusive power within the city, by ordinance, to license, regulate, and suppress and restrain billiard tables, and from one to twenty pin alleys, and every other description of gaming or gambling.

SEC. 36. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into

execution the powers specified in this act, so that such ordinance be not repugnant to, nor inconsistent with, the constitution of the United States or of this state.

SEC. 37. The style of the ordinances of the city shall be: "Be it ordained by the city council of the city of Springfield."

SEC. 38. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper published in the city, and shall not be in force until they shall have been published as aforesaid.

SEC. 39. All ordinances of the city may be proven by the seal of the corporation, and when printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

ARTICLE VI.

OF THE MAYOR.

SECTION 1. The mayor shall preside at all meetings of the city council and shall have a casting vote and no other. In case of non-attendance of the mayor at any meeting, the board of aldermen shall appoint one of their own members chairmain, who shall preside at that meeting.

SEC. 2. The mayor or any two aldermen may call special meetings of the city council.

SEC. 3. The mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of said city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be prosecuted and punished: he shall from time to time communicate to the aldermen such information and recommend all such measures, as in his opinion may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city.

SEC. 4. He is hereby authorized to call on any male inhabitant of said city over the age of eighteen years to aid in enforcing the laws and ordinances; and in case of riot, to call out the militia to aid him in suppressing the same, or in carrying into effect any law or ordinance, and any person who shall not obey such call shall forfeit to said city a fine not exceeding five dollars.

SEC. 5. He shall have power whenever he may deem it necessary to require of any of the officers of the said city an exhibit of his books and papers.

SEC. 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

SEC. 7. He shall be commissioned by the governor as a justice of the peace for said city and county, and as such shall be a conservator of the peace in the said city; and shall have power and authority to administer oaths, issue writs and processes under the seal of the city, to take depositions, the acknowledgments of deeds, mortgages, and all other instruments of writing, and certify to the same under the seal of the city, which shall be good and valid in law.

SEC. 8. He shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and concurrent jurisdiction with all justices of the peace in all civil and criminal cases within the limits of the city, arising under the laws of the state, and shall receive the same fees and compensation for his services in similar cases.

SEC. 9. He shall also have such jurisdiction as may be vested in him by ordinance for the purpose of enforcing the health and quarantine ordinances and regulations thereof, and he shall receive for his services such salary as shall be fixed by ordinance of the city.

SEC. 10. In case the mayor shall at any time be guilty of palpable omission of duty, or shall willfully and corruptly be guilty of oppression, mal-conduct, or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Sangamon county, and on conviction, he shall be fined not more than two hundred dollars; and the court shall have power, on recommendation of the jury, to add to the judgment of the court that he be removed from office.

ARTICLE VII.

PROCEEDINGS IN SPECIAL CASES.

SECTION 1. When it shall be necessary to take private property, for opening, widening, or altering any public streets, lanes, avenue, or alley, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city.

SEC. 2. When the owners of all the property on any street, lane, avenue, alley, proposed to be opened, widened or al-

tered, shall petition therefor, the city council may open, widen, or alter such street, lane, avenue, or alley upon conditions to be prescribed by ordinance, but no compensation shall in such case be made to those whose property shall be taken, for opening, or altering such street, lane, avenue, or alley, nor shall there be any assessment of benefits or damages that may accrue thereby to any of the petitioners.

SEC. 3. All persons empanelled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening, or altering any street, lane, avenue, or alley, shall be first sworn to that effect, and shall return to the mayor their inquest in writing, and signed by the jurors.

SEC. 4. In ascertaining the amount of compensation for property taken for opening, widening, or altering any street, lane, avenue, or alley, the jury shall take into consideration the benefit as well as the injury happening by such opening, widening, or altering such streets, lanes, avenues, or alleys.

SEC. 5. The mayor shall have power, for good cause shown within ten days after any inquest shall have been returned to him as aforesaid, to set the same aside, and order a new inquest to be made.

SEC. 6. The city council shall have power by ordinance to levy and collect a special tax on the holders of the lots in any street, lane, avenue, or alley, or part of any street, lane, avenue, or alley, according to their respective fronts owned by them, for the purpose of paving and grading the side walks, and lighting such streets, lanes, avenues, or alleys.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. The inhabitants of the city of Springfield are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers upon the same, and from any tax for county purposes except upon real estate; *Provided*, the corporation shall support and provide for all the resident paupers of said city, and pay the expenses of the circuit court in all criminal cases arising out of the offenses of any citizen of said city, as also jail fees which may accrue therefrom, viz: boarding and lodging of criminals, or charges that may be just and equitable.

SEC. 2. The city council shall have power for the purpose of keeping the streets, lanes, avenues, or alleys in repair, to require any male inhabitants in said city of twenty-one years of age to labor on said street, lane, avenue, or alley, not exceeding three days in each and every year; and any person failing to perform such labor when duly notified by the supervisor, shall forfeit and pay not to exceed one dollar per day for each day so neglected or refused.

SEC. 3. The city council shall have power to provide for the punishment of offenders, by imprisonment in the county or city jail in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

SEC. 4. The city council shall cause to be published annually, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

SEC. 5. All ordinances and resolutions passed by the president and trustees of the town of Springfield shall remain in force until the same shall have been repealed by the city council hereby created; *Provided*, no contract or agreement shall be affected thereby.

SEC. 6. All suits, actions, and prosecutions, instituted, commenced, or brought by the corporation hereby created, shall be instituted, commenced, and prosecuted in the name of the city of Springfield.

SEC. 7. All actions, fines, penalties, and forfeitures, which have accrued to the president and trustees of the town of Springfield, shall be vested in, and prosecuted by, the corporation hereby created.

SEC. 8. All property, real and personal, heretofore belonging to the president and trustees of the town of Springfield, for the use of the said inhabitants of said town, shall be, and the same is hereby declared to be vested in the corporation hereby created.

SEC. 9. This charter shall not invalidate any act done by the president and trustees of the town of Springfield, nor divest them of any right which may have accrued to them prior to the passage of this act.

SEC. 10. The president and trustees of the town of Springfield shall, immediately after the passage of this law, within the limits of the city of Springfield, issue their proclamation for the election of officers, and cause the same to be published in all the newspapers in said city, for four weeks in succession prior to the day of election for said officers.

SEC. 11. Appeals shall be allowed from the decision in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of Sangamon county, and

every such appeal shall be taken and granted in the same manner and like effect as appeals are taken from, and granted by, justices of the peace to the circuit court under the laws of this state.

SEC. 12. Whenever the mayor shall absent himself from the city, or shall resign, or die, or his office shall otherwise be vacated, the board of aldermen shall immediately proceed to elect one of their number president, who shall be the mayor *pro tem*.

SEC. 13. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this state without proof.

SEC. 14. All acts or parts of acts coming within the provisions of this charter, or contrary to or inconsistent with its provisions, are hereby repealed.

SEC. 15. The city marshal, or any other officer authorized to execute writs or other process issued by the mayor, shall have power to execute the same any where within the limits of the county of Sangamon, and shall be entitled to the same fees for traveling as are allowed to constables in similar cases.

SEC. 16. It shall be the duty of the president and trustees of the town of Springfield, immediately after the passage of this act, to cause the same to be published two weeks in succession in two of the public journals printed in said town, and thereafter give notice for a public meeting of the legal voters of said town, who shall have been resident citizens thereof at least six months preceding said meeting, to be held at the court house on the first Monday of April next, for the purpose of then and there voting for the adoption or rejection of this act. The majority of the legal voters there present shall determine the adoption or rejection of the same; *Provided*, that at any subsequent meeting, like notice being given as aforesaid, the same may be adopted and take effect immediately thereafter.

APPROVED by the council, February 3, 1840.

AMENDMENTS TO THE OLD CITY CHARTER.

I.

An act to amend "An act to incorporate the city of Springfield," approved February 3, 1840.—Laws of 1841, page 61.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That so much of the third section of article second, and section second of article third, of the act to which this is an amendment, as requires the mayor and

aldermen of said city to be citizens of the United States, be and the same is hereby repealed; and hereafter every inhabitant of said city who is entitled to vote for state officers, and who has the requisite length of residence according to the act to which this is an amendment, shall be eligible to the office of mayor or aldermen of said city.

SEC. 2. That so much of section second of article fourth of the act to which this is an amendment, as requires persons to be citizens of the United States to be entitled to vote for city officers, be and the same is hereby repealed, and hereafter every inhabitant of said city who is entitled to vote for state officers, and who has the other requisite qualifications mentioned in said section shall be entitled to vote for city officers.

APPROVED February 27, 1841.

II.

An act authorizing certain debtors of the State, to discharge their indebtedness in Illinois internal improvement scrip.—Laws of 1841, page 300.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That the obligers upon a certain bond, executed by sundry citizens of the city of Springfield, in favor of the State of Illinois, for the sum of fifty thousand dollars, be authorized to discharge the same, or the balance due thereon, in whole or in part, in Illinois internal improvement scrip.

APPROVED February 27, 1841.

III.

An act to amend the charter of the city of Springfield.—Laws of 1843, page 65.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That the common council of the city of Springfield, shall be and they are hereby authorized, in addition to the taxes already authorized to be collected, to lay a tax not exceeding two per cent. in each year, on all the taxable property in said city, which shall be receivable in gold or silver, auditor's warrants, or notes or certificates of the State Bank of Illinois, the proceeds of which said tax shall be wholly applied to the payment of the bonds of the corporation of Springfield now held by said bank.

SEC. 2. This act shall continue in force until the whole amount of said bonds, to wit: the sum of sixteen thousand six hundred and sixty-six dollars and sixty-six cents, with interest to accrue thereon, is fully paid, and no longer.

APPROVED February 23, 1843.

I V.

An act to amend the act entitled "An act to incorporate the city of Springfield.—Laws of 1845, page 285.

SECTION 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly:* That the third section of the fifth article of the act to which this is an amendment, be, and the same is hereby so amended, as, that forever hereafter, the said city of Springfield shall not in any one year, borrow any amount of money, or contract other indebtedness, to a greater amount than the whole sum of the revenue accruing to the said city, for said year, when the said money shall be so borrowed, or said indebtedness so contracted, anything in the said act to which this is an amendment to the contrary notwithstanding.

SEC. 2. That in addition to the jurisdiction now conferred upon the mayor of the said city of Springfield, by virtue of the eighth section of the sixth article of the said act to which this is an amendment, the said mayor shall hereafter be clothed with the same powers and jurisdiction as other justices of the peace in and for Sangamon county; and when acting as such ordinary justice of the peace, he shall for his official acts, receive the same fees and compensation as may be provided by law for ordinary justices of the peace.

APPROVED February 26, 1845.

V.

An act to suspend an act therein named.—Laws of 1845, page 105.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That it shall be lawful for the city council of the city of Springfield, to take up all or any part of the orders heretofore issued by said city on the treasurer thereof, on account of certain money paid by individuals to the State Bank of Illinois, and to issue in lieu thereof new orders in sums as may be agreed upon;—*Provided*, none of said new orders shall be

for a less sum than five dollars:—and *Provided further*, that nothing in this act contained, shall authorize said city to issue any orders or other paper designed to circulate as money.

APPROVED March 1, 1845.

VI.

An act to amend the "act to incorporate the city of Springfield," approved February 3, 1841 —Laws of 1849, page 15.

SECTION 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly:* That hereafter the grand jury of Sangamon county shall take cognizance of all offenses against sections one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, and one hundred and thirty-two of the 30th chapter of the Revised Laws, entitled "Criminal Jurisprudence," committed within the city of Springfield, and any person violating any of said sections, or any part thereof, within said city, may be indicted by the grand jury, and tried by the circuit court of said county, and on conviction shall be punished as provided by said sections, anything in the act to which this is an amendment to the contrary notwithstanding. The jurisdiction hereby conferred upon the grand jury and circuit court aforesaid, shall be concurrent with that conferred upon the city council of Springfield by the act to which this is an amendment.

SEC. 2. That the city council of the city of Springfield shall have power on the application of the person or persons owning all such lot or lots, as may adjoin any street in addition to said city, to abolish said street if they shall find said street to be useless; *Provided*, the person or persons making said application shall give notice thereof by setting up a written notice of the application on the door of the court house in Springfield, at least twenty days before the application is made.

SEC. 3. This act to be in force from and after its passage.

APPROVED January 26, 1849.

VII.

An act requiring the Sheriff of Sangamon county to pay certain fines to the treasurer of the city of Springfield.—Laws of 1851, page 123.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That all fees and forfeitures

collected of any citizen of the city of Springfield, arising out of any indictment in the circuit court of Sangamon county, for any offense committed in said city, shall be paid over to the treasurer of the city of Springfield by the sheriff or other officer collecting the same. This act to be in force from and after its passage.

APPROVED February 15, 1851.

[No. 2.]

T A X A T I O N .

An act for the assessment of property. Approved February 12, 1853.—Laws of 1853, page 35.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That all property, whether real or personal, in this state; all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, of persons residing in this state, or used or controlled by persons residing in this state; the property of corporations now existing or hereafter created, and the property of all banks, or banking companies, now existing, or hereafter created, and of all bankers and brokers, except such property as is hereinafter expressly exempted, shall be subject to taxation; and such property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, or the value thereof, shall be entered on the list of taxable property, for that purpose, in the manner prescribed in this act.

DEFINITIONS.

SEC. 2. The terms "real property" and "land," whenever used in this act, shall be held to mean and include not only the land itself, whether laid out in town lots or otherwise, with all things contained therein, but, also, all buildings, structures and improvements, and other fixtures, of whatsoever kind, thereon, and all rights and privileges belonging or in any wise pertaining thereto. The term "investments in bonds," wherever used in this act, shall be held to mean and include all moneys invested in bonds, of whatsoever kind, whether issued by incorporated or unincorporated companies, towns, cities, counties, states, or other corporations, or

by the United States, held or controlled by persons residing in this state, whether for themselves, or as guardians, trustees, or agents, on which the holder thereof is receiving, or is entitled to receive interest. The term "investment in stocks," wherever used in this act, shall be held to mean and include all moneys invested in the public stocks of this or any other state, or of the United States, or in any association, corporation, joint-stock company, or otherwise, the stock or capital of which is or may be divided into shares, which are transferable by the owner, without the consent of the other partners or stock-holders, for the taxation of which no special provision is made by this act, held by persons residing in this state, either for themselves, or as guardians, trustees, or agents. The term "oath," wherever used in this act, shall be held to mean oath or affirmation. Every word in this act importing the masculine gender, may extend and be applied to females as well as males. The term "personal property," wherever used in this act, shall be held to mean and include every tangible thing, being the subject of ownership, whether animate or inanimate, other than money, and not forming part of any parcel of real property, as hereinbefore defined. The capital stock, undivided profits, and all other means, not forming part of the capital stock of every company, whether incorporated or unincorporated, and every share, portion, or interest in such stock, profits, or means, by whatsoever name they may be designated, inclusive of every share or portion, right, or interest, either legal or equitable, in and to every ship, vessel, or boat, of whatsoever name or description, used or designed to be used, either exclusively or partially, in navigating any of the waters within or bordering on this state, whether such ship, vessel, or boat shall be within the jurisdiction of this state, or elsewhere, and whether the same shall have been enrolled, registered or licensed at any collector's office, or within any county or collector's district in this state or not. The term "money" or "moneys," wherever used in this act, shall be held to mean gold and silver coin, and bank notes in actual possession, and every deposit which the person owning, holding in trust, or having the beneficial interest therein, is entitled to withdraw in money on demand. The term "credits," wherever used in this act, shall be held to mean and include every claim or demand for money, labor, or other valuable thing, due or to become due, or every annuity, or sum of money receivable at stated periods, and all money invested in property of any kind which is secured by deed, mortgage, or otherwise, which the person holding such deed, or mortgage, or evidence of claim, is bound by any lease, contract or agreement, to reconvey, release, or assign, upon the payment of any specific sum or sums: *Provided*, that

pensions receivable from the United States, or from any state, salaries or payments expected to be received for labor or services to be performed or rendered, shall not be held to be annuities within the meaning of this act. The term "property," wherever used in this act, shall be held to mean and include every tangible thing being the subject of ownership, whether animate or inanimate, real or personal.

PROPERTY EXEMPT FROM TAXATION.

SEC. 3. All property described in this section, to the extent herein limited, shall be exempt from taxation; that is to say—

First. All lands donated for school purposes, and not sold or leased. All public school houses, and houses used exclusively for public worship, the books and furniture therein, and the grounds attached to such building, necessary for the proper occupancy, use and enjoyment of the same, and not leased or otherwise used with a view to profit. All colleges, academies; all endowments made for their support; all buildings connected with the same, and all lands connected with institutions of learning, not used with a view to profit. This provision shall not extend to leasehold estates of real property, held under the authority of any college or university of learning.

Second. All lands used exclusively as grave-yards, or grounds for burying the dead.

Third. All government lands belonging to the United States, and all property, whether real or personal, belonging to this state, and all the swamp and overflowed lands belonging to the several counties of this state, so long as the same may remain unsold by such counties.

Fourth. All buildings belonging to counties, used for holding courts, for jails, or for county offices, with the ground on which such buildings are erected, not exceeding in any county ten acres.

Fifth. All lands, houses, and other buildings belonging to any county, town, or city, used exclusively for the accommodation or the support of the poor.

Sixth. All buildings, with the furniture appertaining thereto, belonging to institutions of purely public charity, together with the lands actually occupied by such institutions, not leased or otherwise used with a view to profit; and all moneys and credits appropriated solely to sustaining, and belonging exclusively to such institutions.

Seventh. All fire engines, and other implements used for the extinguishment of fires, with the buildings used exclusively for the safe keeping thereof, and for the meetings of fire companies, whether belonging to any town, or to any fire company organized therein.

Eighth. All market houses, public squares, or other public grounds, used exclusively for public purposes; and all works, machinery, and fixtures, belonging exclusively to any town or city, and used exclusively for conveying water to such town or city.

Ninth. No person shall be required to list a greater portion of any credits than he believes will be received or can be collected; nor any greater portion of any obligation given to secure the payment of rent, than the amount that shall have accrued on the lease, and shall remain unpaid at the time of such listing. No person shall be required to include in his statement, as a part of the personal property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, which he is required to list, any share or portion of the capital stock or property of any company or corporation which is required to list or return its capital and property for taxation in this state, nor shall any partner be required to list or return any property, liability or supposed balance of said partnership due him, the property, effects, and credits of said partnership being listed by any other partner.

BY WHOM, WHERE, AND IN WHAT MANNER PROPERTY SHALL BE LISTED.

SEC. 4. Every person of full age and sound mind, not a married woman, shall list the real property of which he is the owner, situate in the town or district in which he resides, the personal property of which he is the owner, all moneys in his possession, money loaned or invested, and all other property of which he is the owner; and he shall also list all moneys invested, loaned, or otherwise controlled by him, as the agent or attorney, or on account of any other person or persons, company or corporation whatsoever, and all moneys deposited, subject to his order, check or draft, and credits due from or owing by any person or persons, body corporate or politic, whether in or out of such county. The property of every ward shall be listed by his guardian; of every minor child, idiot or lunatic, having no other guardian, by his father, if living, if not, by his mother, if living, and if neither father nor mother be living, by the person having such property in charge; of every wife, by her husband, if of sound mind, if not, by herself; of every person for whose benefit property is held in trust, by the trustee; of the estate of a deceased person, by the executor or administrator; of corporations whose assets are in the hands of receivers, by such receivers; of every company, firm, body politic or corporate, by the president or principal accounting officer, partner, or agent thereof. Every person required to list property on behalf of others, by the provisions

of this act, shall list it in the same county, town, or district in which he would be required to list it if such property were his own; but he shall list it separately from his own, specifying in each case the name of the person, estate, company or corporation to whom it belongs. Real property shall be listed in the county, town, or district where it belongs; personal property, moneys, and credits, except such as is required to be listed otherwise, shall be listed in the county, town, or district where the owner resides; the property of banks or bankers, brokers, stock-jobbers, insurance or other companies, merchants, and manufacturers, shall be listed in the county, town or district where their business is usually done: *Provided*, that in the counties of the Military Tract, owners of real estate shall not be compelled to return the same if they desire it to go to sale, and so inform the assessor.

SEC. 5. Property held under a lease for a term exceeding ten years, belonging to the state, or to any religious, scientific or benevolent society or institution, whether incorporated or unincorporated, and school and ministerial lands, shall be considered, for all purposes of taxation, as the property of the person so holding the same, and shall be listed as such, by such person, or his agent, as in other cases.

SEC. 6. Each person required to list property, shall make out, sign and deliver to the assessor, when required, a certified statement of all the personal property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, in his possession, or under the control of such person, which he is required to list for taxation, either as owner or holder thereof, or as guardian, parent, husband, trustee, executor, administrator, receiver, accounting officer, partner, agent, or factor. Personal property shall be listed with reference to the quantity on hand and owned on the first day of May in the year for which the property is required to be listed, including the property purchased on that day.

SEC. 7. Such statement shall truly and distinctly set forth:

First. The number of horses, and the value thereof.

Second. The number of neat cattle, and the value thereof.

Third. The number of mules and asses, and the value thereof.

Fourth. The number of sheep, and the value thereof.

Fifth. The number of hogs, and the value thereof.

Sixth. Every carriage and wagon, of whatsoever kind, and the value thereof.

Seventh. Every watch and clock, and the value thereof.

Eighth. Every piano-forte, and the value thereof.

Ninth. The value of the goods and merchandise which such person is required to list as a merchant.

Tenth. The value of the property which such person is required to list as a banker, broker or stock-jobber.

Eleventh. The value of materials and manufactured articles which such person is required to list as a manufacturer.

Twelfth. The value of moneys and credits required to be listed.

Thirteenth. The value of moneys invested in bonds, stocks, joint-stock companies, or otherwise, which such person is required to list.

Fourteenth. The total value of all other personal property, including household furniture: *Provided*, that the value of such property shall be determined by the assessor.

SEC. 8. If any person shall give a false and fraudulent list, or shall refuse to deliver to the assessor, when called on for that purpose, a list of his or her taxable property, as required by law, the said assessor, as a penalty therefor, shall assess the property of such person at double its value; and if said assessor shall neglect or refuse so to do, he shall be liable in each case to a penalty of fifty dollars, to be recovered at the suit of any person who may sue for the same.

SEC. 9. If the assessor believes that any property has been valued at less than its true value, in accordance with the rules and customs of valuing property for taxation, he shall value and charge such property at its true value, and shall notify the person listing such property of such increased valuation.

RULES FOR VALUING PROPERTY.

SEC. 10. Each separate parcel of real property shall be valued at its true value in money, excluding the value of crops growing thereon; but the price for which such real property would sell at a forced sale, shall not be taken as the criterion of such value. Each tract or lot of real property belonging to this state, or to any county, city, town, or charitable institution, whether incorporated or unincorporated, and school or ministerial lands, held under lease for a term exceeding ten years, shall be valued at such price as the assessor believes could be obtained at private sale for such leasehold estate. Personal property of every description shall be valued at the usual selling price of similar property at the time of listing, and in the county where the same may then be; and if there be no usual selling price known to the person whose duty it shall be to fix a value thereon, then at such price as it is believed could be obtained therefor in money at such time and place. Investments in bonds, stocks, joint-stock companies, or otherwise, shall be valued at the true value thereof in money. Money, whether in possession

or on deposit, shall be entered in the statement at the full amount thereof: *Provided*, that depreciated bank notes shall be entered at their current value. Every credit for a sum certain, payable either in money or property of any kind, shall be valued at the full price of the sum so payable; if for a specific article, or for a specified number or quantity of any article or articles of property, or for a certain amount of labor done, or for services of any kind rendered, it shall be valued at the current price of such property, or of such labor or service, at the place payable. Annuities, or moneys receivable at stated periods, shall be valued at the price which the person listing the same believes them to be worth in money.

OF DEDUCTIONS MADE FROM MONEYS AND CREDITS.

SEC. 11. In making up the amount of moneys and credits which any person is required to list for himself, or any other person, company or corporation, he shall be entitled to deduct from the gross amount of moneys and credits, the amount of all *bona fide* debts owing by such person, company, or corporation, to any other person, company, or corporation, for a consideration received; but no acknowledgment of indebtedness not founded on actual consideration, believed when received to have been adequate, and no such acknowledgment made for the purpose of being so deducted shall be considered a debt within the meaning of this section; and so much only of any liability, as surety for others, shall be deducted as the person making out the statement believes the surety is legally and equitably bound to pay, and so much only as he believes such surety will be compelled to pay on account of the inability or insolvency of the principal debtor; and if there are other sureties, who are able to contribute, then only so much as the surety in whose behalf the statement is made will be bound to contribute: *Provided*, that nothing in this section shall be so construed as to apply to any bank, company or corporation exercising banking powers or privileges.

SEC. 12. No person, company or corporation, shall be entitled to any deduction on account of any bond, note, or obligation of any kind, given to any mutual insurance company, nor on account of any unpaid subscription to any religious, literary, scientific, or charitable institution, or society; nor on account of any subscription to or installment payable on the capital stock of any company, whether incorporated or unincorporated.

OF LISTING AND VALUING THE PROPERTY OF MERCHANTS AND
MANUFACTURERS, AND OF BANKERS, EXCHANGE
BROKERS, AND STOCK-JOBBER.

SEC. 13. Every person that shall own, or have in his possession, or subject to his control, any personal property within this state, with authority to sell the same, which shall have been purchased in or out of this state, with a view to being sold at an advanced price or profit, or which shall have been consigned to him from any place out of this state, for the purpose of being sold at any place within this state, shall be held to be a merchant; and when he shall be by this act required to make out and deliver to the assessor a statement of his other personal property, he shall state the value of such property appertaining to his business as a merchant; and in estimating the value thereof, he shall take as the criterion the average value of all such articles of personal property which he shall have had from time to time in his possession, or under his control, during the year next previous to the time of making such statement, if he shall have been so long engaged in business, and if not, then during such time as he shall have been so engaged; and the average shall be made up by taking the amount in value on hand, as nearly as may be, in each month of the next preceding year in which the person making such statement shall have been in business, adding together such amount, and dividing the aggregate amount thereof by the number of months that the person making the statement may have been in business during the preceding year: *Provided*, that no consignee shall be required to list for taxation the value of any property, the product of this state, which shall have been consigned to him for sale, or otherwise, from any place within the state, nor the value of any property consigned to him from any other place for the sole purpose of being stored or forwarded: *Provided*, he shall in either case have no interest in such property, or any profit to be derived from its sale; and the word *person*, as used in this and the succeeding sections, shall be held to mean and include firm, company and incorporation.

SEC. 14. Every person who shall purchase, receive or hold personal property of any description, for the purpose of adding to the value thereof, by any process of manufacturing, refining, rectifying, or by the combination of different materials, with the view of making a gain or profit by so doing, shall be held to be a manufacturer; and he shall, when he is required to make out and deliver to the assessor a statement of the amount of his other personal property subject to taxation, also include in his statement the average value,

estimated as provided in the preceding section, of all articles purchased or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying, or refining, which from time to time he shall have had on hand during the year next previous to the time of making such statement, if he shall have been so long engaged in such manufacturing business, and if not, then during the time he shall have been so engaged; *Provided*, that from the value of property, being the product of this state, the merchant or manufacturer listing the same shall be entitled to deduct, the amount owing by him for such property, or for moneys invested therein: *And provided further*, that from the value of property, being the product or stock of this state, the farmer or dealer listing the same shall be entitled to deduct the amount owing by him for such property, or for moneys invested therein.

SEC. 15. Every person owning a manufacturing establishment of any kind, and every manufacturer, shall list, as a part of his manufacturer's stock, the value of all engines and machinery of every description, used or designed to be used in any process of refining or manufacturing, (except such fixtures as shall have been considered as part of any parcel or parcels of real property,) including all tools and implements of every kind, used or designed to be used for the aforesaid purposes.

SEC. 16. Every person who shall have money employed in the business of dealing in coin, notes, or bills of exchange, or in the business of dealing in, or buying or selling any kind of bills of exchange, checks, drafts, bank notes, promissory notes, bonds, or other writings obligatory, or stocks of any kind or description whatsoever, shall be held to be a banker, broker, or stock-jobber; and he shall, when he is required to make out and deliver to the assessor a statement of the amount or value of his other personal property subject to taxation, also include in his statement the average value, estimated as provided in the thirteenth section of this act, of all moneys, notes, bills of exchange, bonds, stocks, or other property, appertaining to his business as a banker, broker, or stock-jobber, which he shall have had from time to time in his possession, or under his control, during the year next previous to the time of making such statement, if he shall have been so long engaged in such business, and if not, then during the time he shall have been so engaged.

SEC. 17. That when any person shall commence merchandising in any county after the first day of May in any year, the average value of whose personal property employed in merchandising shall not have been previously entered on the assessor's list for taxation

in said county, said person shall report to the clerk of the county, who shall enter the same upon the tax list, the probable average value of the personal property by him intended to be employed in merchandising until the first of May thereafter, and shall pay to the collector of such county a sum which shall bear the same proportion to the levy for all purposes, on the average value so employed, as the time from the day on which he shall commence merchandising as aforesaid, to the first of May next succeeding, shall bear to one year: *Provided*, that if the person so listing his merchant's capital shall present a *bona fide* receipt from the collector of any county in which such merchant's capital had been previously listed and taxed for the amount of the taxes assessed, and by him paid on the same capital for the same year, then and in that case it shall be a receipt from paying taxes again on such capital: *Provided further*, that if the tax list had been delivered to the collector before the receipt of such report, it shall be the duty of the clerk, within ten days after receiving any such report, to charge the same to the collector, and to notify such collector of the amount so charged, who shall collect and pay over said amount in like manner, as near as may be, as if it had been regularly entered on the tax list.

SEC. 18. That when any person shall commence or engage in the business of dealing in stocks of any description, or in buying or selling any kind of bills of exchange, checks, drafts, bank notes, promissory notes, or other kind of writings obligatory, as mentioned in the sixteenth section of this act, after the first day of May, in any year, the average value of whose personal property employed in such business shall not have been previously entered on the assessor's list for taxation in said county, such person shall report to the county clerk of the county the probable average value of the property by him intended to be employed in such business until the first day of May thereafter; which amount shall be entered on the tax list, and the taxes collected as in other cases.

SEC. 19. That if any person shall commence or engage in the business of merchandising, banking, brokerage or stock jobbing aforesaid, and shall not within one month thereafter list his property as before required, he shall forfeit and pay, in addition to the taxes authorized by law, a tax of two per cent. on the value of the personal property by him so employed, for the use of the county, to be charged and collected in like manner as other taxes; said value to be ascertained, as near as may be, by the assessor, or if he has made return of the assessment list, then by the clerk.

OF LISTING AND VALUING THE PROPERTY OF BANKS AND BANKING COMPANIES, AND OTHER CORPORATIONS.

SEC. 20. It shall be the duty of the president and cashier of every bank or banking company that shall have been or may hereafter be incorporated by the laws of this state, and having the right to issue bills for circulation as money, to make out and return to the bank commissioners, in the month of May annually, a written statement, containing the average amount of notes and bills discounted or purchased by such bank or banking company, which amount shall include all the loans or discounts of such bank or banking company, whether originally made, or renewed during the year next preceding the first of May aforesaid, or at any time previous, whether made on bills of exchange, notes, bonds, mortgages, or any other evidence of indebtedness, at their actual value in money, whether due previous to, during, or after the period aforesaid, and on which such bank or banking company has at any time reserved or received, or is entitled to receive any profit or other consideration whatever, either in the shape of interest, discount, exchange or otherwise. Stocks deposited with the state treasurer, shall be valued at the rate at which they are deposited. The bank commissioners shall proceed to ascertain the amount of the property valued in accordance with the provisions of this act, and make return thereof to the auditor, who shall report the same to the clerk of the proper county, and said clerk shall enter the same on the tax list for taxation.

SEC. 21. To ascertain the amount of the notes and bills discounted and purchased, and all other effects or dues, of every description, belonging to such bank or banking company, and liable to taxation, there shall be taken as a criterion the average amount of the aforesaid items for each month during the year next previous to the time of making such statement, if such bank or banking company shall have been so long engaged in business, and if not, then during such time as such bank or banking company shall have been engaged in business; and the average shall be made by adding together the amount so found belonging to such bank or banking company in each month said bank or banking company was so engaged in business, and dividing the same by the number of months said bank or banking company was thus engaged in business.

SEC. 22. The president, secretary, or principal accounting officer of every railroad company, turnpike or plank road company, insurance company, telegraph company, or other joint-stock company, except corporations whose taxation is specifically provided for

by law, for whatever purpose they may have been created, whether incorporated by any law of this state or not, shall list for taxation, at its actual value, its real and personal property, moneys and credits, within this state, in the manner following:

In all cases return shall be made to the assessor of each of the respective counties where such property may be situated, together with a statement of the amount of said property which is situated in each county, town, city, or ward therein.

The value of all moveable property shall be added to the stationary and fixed property and real estate, and apportioned to such wards, towns, cities, and counties, *pro rata*, in proportion to the value of the real estate and fixed property in said ward, town, city, or county.* The capital stock of bridge companies shall be assessed in the town where their principal office is located.

If the county assessor to whom returns are made is of opinion that false or incorrect valuations have been made, or that the property of the corporation or association has not been listed at its full value, or that it has not been listed in the location where it properly belongs, or in cases where no return has been made to the county assessor, he is hereby required to proceed to have the same valued and assessed in the same manner as is prescribed in the several sections of this act regulating the duties of county assessors in cases of refusal or neglect to list property: *Provided*, that every agency of an insurance company, incorporated by the authority of any other state or government, shall return to the assessor of the county in which the office or agency of such company may be kept, in the month of May, annually, the amount of the gross receipts of such agency, which shall be entered on the tax list of the proper county, and subject to the same rate of taxation for all purposes that other personal property is subject to at the place where located.

* The "rolling stock" of railroad corporations, "shall be listed and taxed in the several counties, towns, and cities, *pro rata* in proportion as the length of the main track in such county, town, or city, bears to the whole length of the road. All other property shall be listed and taxed in the county, town, or city where the same is located or used." See Sec. 4, of "An act to amend the assessment and revenue laws."—Approved Feb. 14, 1855. Laws of 1855, page 35. Purple's Statutes, part 2, page 994.

As to the manner of listing and taxing the property of railroad corporation, see sections 2, 3, 4, and 12 of same act.

[No. 3.]

POLICE MAGISTRATES.

An act for the better government of Towns and Cities, and to amend the Charters thereof.—Laws of 1854, page 11.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That there shall be established in each of the cities of this state inferior courts of civil and criminal jurisdiction, which shall be called police magistrates' courts.

SEC. 2. That there shall be elected in each of the incorporated towns and cities of this state, the population of which shall not exceed six thousand, an officer who shall be styled police magistrate of the city of——, or town of——, as the case may be; in each city of this state having a population of over six thousand and not exceeding twelve thousand, there shall be elected two police magistrates, and in the cities of this state whose population shall exceed twelve thousand there shall be elected three police magistrates. Said magistrates shall be elected by the legal voters of such city or town at the next regular election for city or town officers, and every four years thereafter.

SEC. 3. Said police magistrates when elected shall be commissioned and qualified in the same manner as justices of the peace are, and shall have in their respective counties the same jurisdiction, powers and emoluments as other justices of the peace in this state; and they shall also have jurisdiction in all cases arising under the ordinances of their respective towns and cities, and for any breaches thereof, where the amount claimed shall not exceed one hundred dollars, and in all cases arising under the ordinances of towns and cities said magistrates shall be entitled to the same fees as justices of the peace now are for similar services, and to be collected in the same manner: *Provided*, the city or town authorities of any such town or city may make such additional allowance to such police magistrates as they may deem just and expedient; and in all cases arising under the ordinances of any such town or city, change of venue shall be allowed from one police magistrate to another, in cities where there is more than one such magistrate, and in all other towns and cities from such police magistrate to the nearest justice of the peace, to be applied for in the same manner and grant-

ed on the same conditions and in the same manner as changes of venue from justices of the peace now are.

SEC. 4. The rules of practice and proceeding before such police magistrate shall conform to the practice and proceedings before justices of the peace, except in cases where such rules of practice and proceeding shall be changed or modified by the charter of such town or city ; in which case, such rules of practice and proceedings shall conform to said charters.

SEC. 5. The city marshals of such towns or cities, and all constables of the county in which said town or city may be situated, and all the town or police constables of such towns or cities respectively, shall be and are hereby authorized to execute all process and orders issued or made by said police magistrates in their respective counties.

SEC. 6. Appeals shall be allowed from the decision of police magistrates in all cases, to be applied for and taken in the same manner that appeals from justices of the peace may be taken.

SEC. 7. This act to take effect and be in force from and after its passage.

APPROVED February 27, 1854.

An act to amend an act entitled, "an act for the better government of Towns and Cities, and to amend the charters thereof. Approved February 27, 1854."—Laws of 1855, pages 34 and 44.

SECTION 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly:* That all police magistrates when elected shall severally hold their offices for the term of four years and until others are elected and qualified, and in case of the death, resignation, or removal from the town or city of any of the said police magistrates, their offices shall be deemed thereby vacated, and such vacancies shall be filled by special elections for that purpose, notified and conducted in the same manner as is now provided by law for special elections for justices of the peace.

SEC. 2. That so much of said act as requires the officers therein named to be elected at the election of officers for said towns and cities for the year A. D. 1854, be and is hereby so amended, that in those towns and cities where they failed to elect said officers in the year 1854, they may elect them at the elections to be held therein for said officers in any subsequent year.

This act to take effect and be in force from and after its passage.

APPROVED February 15, 1855.

[No. 4]

S C H O O L S .

An act to establish and maintain a system of Free Schools. Approved Feb. 16, 1857.

SEC. 36. The board of trustees of each township in this state shall prepare, or cause to be prepared by the township treasurer, the clerk of the board, or other person, and forwarded to the school commissioner of the county in which the township lies, on or before the second Monday of October, preceding each regular session of the General Assembly of this state, and at such other times as may be required by the school commissioner, or by the state superintendent of public instruction, a statement exhibiting the condition of schools in their respective townships for the preceding biennial period, giving separately each year, commencing on the first Monday of October, and ending on the last of September; which statement shall be as follows: 1st. The whole number of schools which have been taught in each year; what part of said number have been taught by males exclusively; what part have been taught by females exclusively; what part of said whole number have been taught by males and females at the same time, and what part by males and females at different periods. 2d. The whole number of scholars in attendance at all the schools, giving the number of males and females separately. 3d. The number of male and female teachers, giving each separately; the highest, lowest, and average monthly compensation paid to male and female teachers, giving each item separately. 4th. The number of persons under twenty-one years of age. 5th. The amount of the principal of the township fund; the amount of the interest on the township fund paid into the township treasury; the amount of state or common school fund received by the township treasurer; the amount raised by *ad valorem* tax, and the amount of such tax received into the township treasury, and the amount of all other funds received into the township treasury. 6th. Amount paid for teachers' wages; the amount paid for school house lots; the amount paid for building, repairing, purchasing, renting and furnishing school houses; the amount paid for school apparatus, for books and other incidental expenses for the use of school libraries; the amount paid as compensation to township officers and others. 7th. The whole amount of the receipts and expenditures for school purposes, together with such other statistics and information in regard to schools as the state superintendent or school commissioner may require.

LIABILITIES OF OFFICERS.

SEC. 73. If any school commissioner, trustee of schools, township treasurer, director, or any other person entrusted with the care, control, management, or disposition of any school, college, seminary, or township fund, for the use of any county, township, district, or school, shall convert any such funds, or any portion thereof, to his own use, he shall be liable to indictment, and upon conviction, shall be fined in not less than double the amount of money converted, and imprisoned in the county jail not less than one, nor more than twelve months, at the discretion of the court.

OF CITIES AND INCORPORATED TOWNS.

SEC. 79. This act shall not be so construed as to repeal or change, in any respect, any special acts in relation to schools in cities or incorporated towns, except that it shall be the duty of the several boards of education or other officers of any city or incorporated town having in charge schools under the provisions of any of the said special acts, or of any ordinance of any city or incorporated town, on or before the second Monday of October preceding each regular session of the general assembly of this state, or annually, if required so to do by the state superintendent, to make out and render a statement of all such statistics and other information in regard to schools, and the enumeration of children or white persons, as is required to be communicated by township boards of trustees or directors under the provisions of this act, or so much thereof as may be applicable to said city or incorporated town, to the school commissioner of the county where such city or incorporated town is situated, or of the county in which the larger part of such city or town is situated; nor shall it be lawful for the county school commissioner or any other officer or person to pay over any portion of the common school fund to any local treasurer, school agent, clerk, board of education or other officer or person of any township, city or incorporated town, unless a report of the number of children or white persons, or other statistics relative to schools, and a statement of such other information as is required of the board of trustees or directors, as aforesaid, and of other school officers and teachers under the provisions of this act, shall have been filed at the time or times aforesaid, specified in this section, with the school commissioner of the proper county, as aforesaid.

[No. 5.]

WARRANTS OF CITIES AND TOWNS.

Chapter CVII Rev. Stat. 1845, page 531.

SECTION 1. In all cases in which any city or town in this state shall be indebted to any person or persons, on any account whatsoever, a warrant or voucher shall be drawn on the treasurer of such city or town for the whole amount found due to such person by the tribunal having power to audit and allow claims against such city or town, and such tribunal shall not in any case draw more than one warrant or voucher for the amount allowed to one individual at one time.

SEC. 2. No warrant or voucher drawn on the treasurer of any city or town, shall be drawn in favor of any other person than the one to whom the same may be due, and such warrant or voucher may be in the form now prescribed by law.

SEC. 3. No treasurer of any city or town in this state shall pay any warrant or voucher drawn on him unless such warrant be presented for payment by the person in whose favor such warrant is drawn, or his assignee, or executor, or administrator.

SEC. 4. Any officer or officers of any town or city that shall be guilty of violating the provisions of this chapter, shall be deemed guilty of a misdemeanor in office; and for every such violation shall be fined in a sum not exceeding five hundred dollars, to be recovered by indictment.

APPROVED March 3, 1845.

[No. 6.]

TOWNS AND CITIES.

An act to amend the charters of the several towns and cities in this state.—Laws of 1854, page 22.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That in all cases where taxes assessed on real estate by the corporate authorities of any city

or town in this state, except in the city of Chicago, are not paid within the time fixed by the corporate authorities of any such city or town, it shall be lawful for the collector of any such city or town, after giving notice of such application by advertisement at least thirty days previously to such application, in some newspaper published in said town or city, or if no newspaper should be published in said town or city, then by posting up printed or written notices of such intended application in at least four of the most public places in such town or city, to apply to the county court of the county in which such delinquent real estate may be situated, and cause judgment to be entered against such delinquent real estate for the amount of taxes due and unpaid and costs. And the said county court shall proceed to hear and determine said application, and render judgment against said delinquent real estate in the same manner, and said judgment shall have the like effect as though said delinquent list had been returned to the county court by the sheriff or collector of the county, in the collection of state and county taxes. And the county court shall issue its precept or order to the collector of said city or town, directing him to sell said real estate at public auction, to pay said delinquent taxes and costs: *Provided*, that the corporate authorities of such towns or cities shall have full power to adopt any regulation or proceeding they may deem necessary to carry this section into full effect: *And provided further*, that the corporate authorities of any town or city shall have power to fix the time of such application to the county court and the time of sale of said real estate.

SEC. 2. In all cases where assessments have heretofore been made, or where assessments may hereafter be made, by the corporate authorities of any town or city in this state, on any lot or real estate in such town or city, for the purpose of improving any street, sidewalk or alley in front of such lot or real estate, or for any purpose whatever, either by ordinance, resolution or other proceeding, and such assessment is not paid within the time fixed by the order, resolution or ordinance making such assessment, the corporate authorities of the several towns and cities in this state may apply to the county court of the proper county for judgment against said lot or real estate, for the amount of said assessment and costs; and the county court, on such application being made, shall render judgment against such lot or real estate for the amount of said assessment and costs, and shall issue its precept to the sheriff of the proper county, commanding him to sell said lot or real estate, or so much thereof as may be necessary, to pay said judgment and costs, in the same manner and with like effect as if sold upon execution at law; and the corporate authorities of the several towns or cities

shall have full power to provide by resolution or ordinance for the making or levying any such assessment, and they shall have full power to fix the time of payment and the kind and time of notice of such assessment, and of the said application to the county court; and the corporate authorities of any town or city shall have full and complete authority to adopt any rule, regulation or proceeding which they may deem necessary to carry the provisions of this section into full and complete effect.

SEC. 3. This act to take effect from and after its passage.

APPROVED March 1, 1854.

[No. 7.]

CHARTER OF THE SPRINGFIELD GAS LIGHT COMPANY.

An Act to incorporate the Springfield Gas Light Company.—Private laws of 1854, (special session,) page 189.

SECTION 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly:* That John T. Stuart, Stephen T. Logan, Ninian W. Edwards, Benjamin S. Edwards, William J. Black, and their associates, successors, heirs, and assigns, be and they are hereby created a body corporate and politic, by the name and style of the "Springfield Gas Light Company," and by that name they and their successors shall have perpetual succession, and be capable in law of contracting and being contracted with, of suing and being sued, defending and being defended, in all courts and places, in all matters whatsoever, with full powers to acquire, hold, occupy and enjoy all such real estate, in fee simple or otherwise, and all personal property necessary for the construction, extension and use of said company, and for the management, use and good government of the same, to have a common seal, and the same to alter, break, or renew at pleasure.

SEC. 2. The corporation hereby created, when organized, shall be under the direction of seven directors, all stock-holders in said company, one of whom shall be elected president. The directors shall have power to make such by-laws, rules and regulations for conducting the works, the election of directors and the affairs of the

company, and may appoint such officers, agents and employees, and prescribe the duties of the same, as to them may seem necessary, not inconsistent with the laws of the state.

SEC. 3. The capital stock of said company shall not exceed three hundred thousand dollars, divided into shares of fifty dollars each, to be subscribed and paid for as may be prescribed by the corporators above named, or their successors or assigns.

SEC. 4. The corporation hereby created shall have full power and authority to manufacture and sell gas, to be made from any and all substances or combinations thereof, from which inflammable gas is or hereafter may be obtained, and to be used for the purpose of lighting the city of Springfield and suburbs, and streets thereof, and any buildings, manufactories, public places or houses therein contained, and to erect all necessary works and apparatus, and lay pipes for conducting the gas in any of the streets, avenues, lanes or alleys of said city or suburbs: *Provided*, that no permanent injury be done to any such lane, street, avenue, or alley. To hold real estate not exceeding in value seventy-five hundred dollars. The said company shall have the exclusive privilege of supplying the city and suburbs, and their inhabitants, with gas, for the purpose of affording light, for twenty-five years.

SEC. 5. *Be it further enacted*, That it shall be the duty of the corporators mentioned in this act, to receive, until the first Monday in April next, all such proposals as shall be made by any association of individuals for supplying the city of Springfield, the citizens thereof, and the public buildings and offices belonging to the state, with gas, stating in such proposition the price at which it shall be furnished, and the quality thereof, the time in which the work shall be commenced and finished; which propositions shall, on the said first Monday in April, or as soon thereafter as practicable, be submitted to the governor, auditor and treasurer, or any two of them, and if the governor, auditor and treasurer, or any two of them, shall esteem any or all of said propositions to be reasonable and advantageous to the public, they shall award this charter to such association as shall offer the terms which in their judgment shall be most advantageous to the public: *Provided*, such company or association shall enter into bonds, with good security, in the penalty of ten thousand dollars, payable to the city of Springfield, for the use of common schools in said city, to comply with the terms and conditions so offered; and if the conditions of said bond are not complied with, the whole penalty of said bond may be recoverable and collected in an action of debt, and shall be appropriated to the use of common schools in said city; and on the acceptance of said terms and the execution of such bond the said associa-

tion shall become incorporated and invested with all the rights and privileges conferred by this charter, and shall supercede the corporation herein named, but shall never be allowed to charge any higher rate for gas than is mentioned in their said proposition.

SEC. 6. Should none of said propositions be deemed by the governor, auditor and treasurer, or two of them, to be such as ought to be accepted, then it shall be the duty of said corporators, having first given in a public newspaper printed at Springfield, twenty days previous notice of the time and place, to open the books of subscription for the capital stock of said company in the city of Springfield, and to keep the same open until at least seventy-five thousand dollars of the capital stock has been subscribed, giving preference in subscriptions to the citizens of Springfield, and reducing their subscriptions *pro rata*, if more shall be subscribed in one day, and when the whole of said amount shall be subscribed, said subscribers shall become a corporation as herein provided, in lieu of the corporators herein mentioned, and clothed with all the privileges, powers and rights conferred by this act, but shall never be allowed to charge for gas in any greater rate than shall be stated in the lowest proposition made as aforesaid; and unless they shall put their said gas works in operation in a reasonable time, the charter shall be forfeited: *Provided further*, nothing in this act shall be so construed as to authorize said company to use or occupy any street, avenue or alley in said city, in any manner whatever, without the consent of said city.*

APPROVED February 27, 1854.

An act entitled an act to amend "an act to incorporate the Springfield Gas Light Company." Approved March 1, 1854.—Private laws of 1855, page 648.

SECTION 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly:* That the fourth section of an act entitled "an act to incorporate the Springfield Gas Light Company," be so amended as to authorize and empower the said company to hold real estate not exceeding in value seventy-five thousand dollars, instead of seventy-five hundred dollars, as provided for in the said fourth section.

SEC. 2. That this act shall take effect and be in force from and after its passage.

APPROVED February 13, 1855.

* See ordinance granting use of streets, ante page 94, Sec. 1.

In accordance with the provisions of the fifth section of the foregoing act, the Charter of the Springfield Gas Light Company, was on the 18th day of April, 1854, awarded by the auditor and treasurer upon the following proposition, to the persons whose names appear thereto; and who having filed bond in the penalty of ten thousand dollars, payable to the city of Springfield for the use of common schools in said city, conditioned for the compliance with the terms and conditions of their proposition, and with sureties approved by the city council of said city, as is required in the fifth section of said act, are invested with all the rights and privileges conferred by said charter.

PROPOSITION.

To Messrs. John T. Stuart, Stephen T. Logan, N. W. Edwards, Benjamin S. Edwards, and William J. Black, corporators, &c.

GENTLEMEN:—The undersigned respectfully submit for your consideration the following proposals for the erection of gas works, and the supplying of the city and citizens of Springfield, and the public buildings, grounds, and offices belonging to the state with gas light.

We propose to obligate ourselves to erect in the city of Springfield, buildings and machinery of the most approved plan, and with all the necessary appurtenances, equal to the supply of any probable quantity of gas required for the above uses for many years; and to make additions to said buildings and machinery to an extent sufficient to meet any increase of consumption that may arise hereafter.

We also propose to lay down at least two miles of main pipe, or as much more as may be necessary to furnish gas to the main business parts of the city. Such pipe to be of sufficient size to convey a full supply of gas, and to agree that the corporate authorities of Springfield may at any time order the extension of the gas pipes to any parts of the city they may direct, and may fix the location of street lamps in such extensions: *Provided*, that in all such extensions of pipe over the original two miles, the city shall guarantee to us that the income to us from the consumption of gas by individuals shall yield us not less than eight per cent. per annum on the cost to us of such extensions.

We propose to obligate ourselves to furnish constantly a full supply of gas, of a quality equal to that now furnished by the Chicago and St. Louis Gas Light companies, to all individuals along the lines of our pipes, who shall pay for the same as hereinafter proposed—to the public buildings, grounds and offices belonging to the State of Illinois, and [to] the city of Springfield. The gas

to be conveyed by us into houses and buildings in the usual manner, and the consumers to furnish their own burners and fixtures, as is customary in other places—except the city, as hereinafter specified.

We propose to furnish gas to the state, and to individuals, at the rate of $\$3\frac{1}{4}$ per thousand cubic feet, payable monthly.

We propose to erect at our own expense such a number of street lamps as the corporate authorities of Springfield may from time to time require of us, and to charge the city for the gas consumed by each lamp $\$20$ per annum, and for lighting, extinguishing, keeping up and repairing the lamps, $\$5$ per annum, payable quarterly; the lights of the street lamps to be equal to those of Chicago and St. Louis.*

Or if it is preferred by the city, we will furnish gas for the city lamps at $\$3\frac{1}{4}$ per thousand feet, with the understanding that the consumption shall be so measured or calculated as to make it certain that no more gas is paid for than is actually consumed in the lamps.

We propose to commence the erection of said works as soon as we have authority from the city to use the streets &c. in laying pipe, and will obligate ourselves to commence within 30 days of the date of such authority. We would expect to complete the works during the present year, and are willing to agree to do so with a proviso, that if we are delayed by any untoward and unexpected event, (such as the prevalence of epidemic, sickness to a degree sufficient to embarrass us, or the impossibility of obtaining brick or other materials,) no forfeiture shall operate against us until the 1st May, 1855. Or if it is preferred, we are ready to contract absolutely to finish by that day. This proposition is of course contingent on the assent of the city to our use of the streets for laying pipes, as expressed in the last proviso of the act incorporating your company.

We are prepared to give the bond and approved security required by law as soon as our proposition is accepted.

N. H. RIDGELY,
GEORGE ODIORNE,
JOSEPH W. CLARK,
WILLIAM W. WHITE,
REDICK M. RIDGELY.

* See ordinance, ante page 94, Sec. 2.

[No. 8.]

RAILROADS.

An act supplemental to an act entitled "an act to provide for a general system of railroad incorporations."—Laws of 1849, (special session,) page 28.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That whenever the citizens of any city or county in this state are desirous that said city or county should subscribe for stock in any railroad company already organized or incorporated, or hereafter to be organized or incorporated under any law of this state, such city or county may, and are hereby authorized to purchase or subscribe for shares of the capital stock in any such company, in any sum not exceeding one hundred thousand dollars for each of such cities or counties; and the stock so subscribed for or purchased, shall be under the control of the county court of the county or common council of the city making such subscription or purchase, in all respects as stock owned by individuals.

SEC. 2. That for the payment of said stock, the judges of the county court of the county, or the common council of the city making such subscription or purchase, are hereby authorized to borrow money at a rate not exceeding ten per cent. per annum and to pledge the faith of the county or city for the annual payment of the interest, and the ultimate redemption of the principal, or if the said judges or common council shall deem it most advisable, they are hereby authorized to pay for such subscription or purchase in bonds of the city or county, making such subscription to be drawn for that purpose, in sums not less than fifty dollars, bearing interest not exceeding ten per centum per annum; *Provided*, that no bond shall be paid out at a rate less than par value.

SEC. 3. The railroad companies already organized or incorporated, or hereafter to be organized or incorporated under the laws of this state, are hereby authorized to receive the bonds of any county or city becoming subscribers to the capital stock of such company, at par, and in lieu of cash, and to issue their bonds bearing interest not exceeding ten per centum per annum for any moneys by them borrowed for the construction of their railroad and fixtures, or for the purchase of engines and cars, and for such purpose may dispose of any bonds by them received as aforesaid.

SEC. 4. No subscription shall be made, or purchase or bond issued, by any county or city under the provisions of this act, whereby any debt shall be created by said judges of the county court of any county, or by the common council of any city, to pay any such subscription, unless a majority of the qualified voters of such county or city, (taking as a standard the number of votes thrown at the last general election previous to the vote had upon the question of subscription under this act for county officers,) shall vote for the same; and the judges of the county court of any county, or the common council of any city, desiring to take stock as aforesaid, shall give at least thirty days' notice, in the same manner as notices are given for election of state or county officers in said counties, requiring said electors of said counties or said cities to vote upon the day named in such notices, at their usual place of voting, for or against the subscription for said capital stock which they may propose to make, and said notices shall specify the company in which stock is proposed to be subscribed, the amount which it is proposed to take, and the time which the bonds proposed to be issued are to run, and the interest which said bonds are to bear; or in case it is proposed to borrow money to pay such subscription, then the notices shall state the terms upon which such loan is to be effected; and the opinion of the electors shall be expressed upon their ballots "for subscription," or "against subscription," and counted and returned by the judges and clerks of elections as in other cases; and if a majority of the voters of said county or city—assuming the standard aforesaid, shall be in favor of the same—such authorized subscription or purchase, or any part thereof, shall then be made by said judges or common council. In case any election had under this act is held upon a day of a general election, then the number of votes thrown at such general election for county officers shall be the standard of the number of qualified voters as aforesaid. No bonds shall be issued under the provisions of this act by any county or city, excepting for the amounts required to be paid at the time of subscription, and for the amounts of, and at the time when assessments upon all the stockholders of said company shall be regularly assessed and made payable.

SEC. 5. This act shall take effect from and after its passage.

APPROVED November 6, 1849.

An act to facilitate the construction of Railroads.—Laws of 1854, (special session,) page 11.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That any city or county in this state, which, under the provisions of an act entitled "An act

supplemental to an act entitled 'An act to provide for a general system of Railroad Incorporations,' approved November 5, 1849," has heretofore subscribed, or may hereafter subscribe for stock in any Railroad company, payable in the bonds of said city or county, it shall be lawful for the city council of such city, or the judges of such county, and they are hereby authorized and empowered to issue and deliver to such Railroad company, the whole or any portion of the bonds of such city or county, payable on such subscription, at any time hereafter, when in their opinion the interest of such city or county will be promoted thereby, whether assessments upon the stockholders of said company have been regularly assessed and made payable or not.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED March 1, 1854.

I N D E X .

THE FIRST COLUMN OF FIGURES REFERS TO THE PAGE—THE SECOND TO THE SECTION.

ABETTING.

Unlawful act, or violation of ordinances, penalty for.....	124-5 138	5
Obstruction of officers, penalty for.....	131	2
Rescue or escape of offenders, penalty for.....	131	3
Illegal voting at elections, penalty for.....	78	23

ABBREVIATIONS

May be used in tax lists.....	238	48
-------------------------------	-----	----

ABSTRACT.

Of children, council to furnish to school commissioner.....	36	4
Of children, school inspectors to furnish.....	190	10
Of account of delinquent officers, clerk to report to council.....	249	8
“ “ “ “ suit may be brought upon.....	249	8

ACCOUNTS.

Clerk to keep, of receipts and expenditures.....	10	10
Clerk, how to keep accounts of city.....	247	2, 3
Clerk to keep cemetery.....	63	7
Clerk to keep lamp district.....	97	3
Clerk to keep sewer district.....	197	5
Clerk to keep sidewalk, how kept.....	208	14
Clerk to keep street improvement.....	218	7
Clerk to keep with wards.....	161	7
Clerk to keep with weigher.....	164	8
Clerk to audit.....	246	1
Engineer to keep, of materials, etc.	157	1
Engineer to certify, for materials, etc.	157	1
Marshal to keep, of animals sold.....	105	5
Marshal, how to keep.....	177	13
Supervisor to keep of expenditures, implements, etc.....	160	3
Supervisor to examine and certify, for materials.....	160	4
Supervisor's accounts to show to what ward chargeable.....	160	5
Treasurer, how to keep.....	247	4

ACCOUNTS. *Continued.*

Treasurer to keep of animals sold.....	105	5
Treasurer to keep of cemetery.....	63	7
Treasurer to keep of lamp taxes.....	97	2
Treasurer to keep of street plankiug taxes.....	218	5
Against the city, how presented.....	56	1
In favor of debtors to city, how allowed.....	249	9

ACTING MAYOR.

When and how appointed, and powers and duties of.....	9	8
When may exercise duties and powers of mayor.....	166	7

ACTIONS.

For penalties, etc., how brought.....	42	14
For penalties, to be brought before police magistrates.....	177	14
For penalties, not repealed by subsequent ordinance, unless otherwise provided.....	167	9

ADDITIONS.

To city, power to regulate platting of.....	41	7
To city, what constitute.....	44	25
To city, laying out and platting of, regulated.....	56	1
To city, penalty for laying out contrary to ordinance.....	57	2
To city, may be laid out irregularly with consent of council.....	57	3

AFFRAYS.

Power to suppress, etc.....	16	27
-----------------------------	----	----

ALDERMEN.

Must be <i>bona fide</i> residents of ward.....	5	3
Removal of from ward to vacate office.....	5	4
Election, term of office, and classification of.....	5	3
Want of quorum of, how supplied.....	5	4
Majority of elected to constitute quorum.....	12	1
Ex-officio conservators of the peace and fire wardens.....	9-9 89	30
Not to hold office of which salary or fees are paid by city.....	13	2
Not to be interested in city contracts, or vote when interested.....	13	2
Ex-officio school inspectors.....	37	7
Salary of.....	12-2 48-3 164	1
Clerk to ascertain salary due to.....	165	2
To call meeting of council to canvass election returns.....	77	18
Duties of, at fires.....	81	4
May arrest offenders at fires.....	84	13
Not to be sureties on bonds or contracts.....	149-1 255	3
To prefer charges against delinquent officers.....	152	9
May arrest offenders.....	175	7
Exempt from jury duty and street taxes.....	9-9 239	1

ALLEYS. See STREETS AND ALLEYS.

AMUSEMENTS. See EXHIBITIONS.

Power to license, suppress, etc.....	15	13
Power to prevent dangerous	17	31

ANIMALS.

Power to punish abuse of.....	16	23
Penalty for abuse of.....	126	21
Power to compel fastening of.....	16	23
Penalty for leaving in streets, etc., without fastening.....	128	31
Penalty for fastening to trees, fences, tree-boxing, etc.....	128	28
Power to prevent running at large of.....	16	30
Running at large of, prohibited.....	104	1
Taking up and impounding of, regulated.....	104	2
Sale of impounded, regulated.....	104	3
Fees of officers for impounding, selling, etc.....	104	4
Marshal to keep account of, sold, and pay proceeds into treasury.....	105	5
Treasurer to keep account of moneys for, sold.....	105	5
Proceeds of sale of, how paid to owner.....	105	5
Officers may bid off, sold.....	105	6
Officers may employ assistants to take up.....	106	7
Penalty for letting out of.....	106	8
Penalty for illegally impounding of.....	106	9
Dangerous or unruly, going at large of, prohibited.....	106	10
Penalty for neglect of officers to impound.....	106	11
Penalty for leaving dead, in city.....	140	5

ANNUAL REPORTS. See REPORTS.

APPEALS.

From assessments for opening streets, etc., how taken.....	24	16
From police magistrates, how taken	302	6

APPLICATIONS.

For licenses, how made.....	107	2
-----------------------------	-----	---

APPROPRIATIONS.

Not to exceed ordinary revenue of preceding year.....	13-1 58	1
For what purposes may be made.....	13	1
Council to make annual.....	57	1
For local purposes how to be made.....	48-1 57	1
To be made by vote of "yeas" and "nays".....	58	2
Clerk to notify council when exhausted.....	58-3 161	7
Council to make annual, for streets and alleys.....	161	7
For streets in wards, to be proportioned to taxes paid by wards.....	161	7

APRONS.

For street crossings, how constructed.....	162	8
--	-----	---

ARREST.

Power of officers to, by whom and how made.....	44	27
Mayor, aldermen, and police magistrates may arrest offenders.....	175	7
Police officers shall arrest offenders, with or without process.....	175	7
Supervisor may arrest for offenses against streets, alleys, and sidewalks.....	176	10

ASHES.

Power to regulate the deposit of.....	32	3
Deposit and keeping of, regulated.....	87	20
Penalty for negligent use of.....	88	26
Throwing or placing of, upon streets or sidewalks prohibited.....	134	11

ASSAULT AND BATTERY.		
Penalty for.....	124-2 138	4
ASSES.		
Running at large of, prohibited.....	104	1
ASSESSMENTS.		
When a lien upon real and personal property.....	28	4
Warrants for collection of, how issued.....	29	6
How collected.....	29	7
ASSESSMENT LISTS.		
Power to prescribe form of, and make rules for revising, etc., of.....	27	1
How made out.....	219	1, 2
When and how returnable.....	27-2 222	11
Council to fix day for hearing of objections to.....	27-2 223	12
Clerk to give notice of time and place of hearing objections to.....	27-2 223	12
Objections to, when and how filed and verified.....	27-2 223	13
Council to determine objections to in summary way.....	224	14
How revised and corrected.....	28-2 224	14
Council to confirm and direct warrant to issue for collection of.....	28-3 224	16
Figures and abbreviations may be used in.....	238	48
Evidence.....	29	6
ASSESSMENTS FOR OPENING STREETS AND ALLEYS. See STREETS AND ALLEYS.		
ASSESSMENTS FOR ABATING NUISANCES. See NUISANCES.		
ASSESSMENTS FOR CONSTRUCTING SIDEWALKS. See SIDEWALKS.		
ASSESSOR AND COLLECTOR.		
Power to prescribe powers and duties of.....	27-1 29	7
Powers, duties and liabilities of.....	11-15 29	7
CENSUS, to take.....	66	1
LAMP TAXES, to collect.....	96	2
NUISANCE ASSESSMENTS.—To collect warrants for.....	147	3
To publish notice of warrants for.....;.....	147	3
Powers and duties in collecting warrants for.....	147	4
To sell delinquent lots for.....	148	6, 7
SALARY of.....	154	1
SCHOOL TAXES.—To collect and pay into treasury.....	194	4
SEWER TAXES.—To collect.....	197	4
SIDEWALK ASSESSMENTS.—To collect warrants for.....	209	15
To publish notice demanding payment of.....	209	15
Powers and duties in collecting warrants for.....	209	16
To sell delinquent lots for.....	210	19
STREET PLANKING TAXES.—To collect.....	217	5
STREET TAXES.—How to collect warrants for.....	242	8
To add names omitted on list for.....	242	8
To give receipt for, to persons paying.....	242	8
How to return warrant for.....	242	8
To be credited with uncollectable.....	242	8
TAXES.—How to list real estate for.....	219	1

ASSESSOR AND COLLECTOR. *Continued.*

TAXES.—How to list personal property for.....	219	2
How to assess real estate for.....	220	3
To require certified statements of personal property for.....	220	3
To value property at cash valuation.....	220	4
When to require listing of personal property on oath.....	221	4
When owner called upon is absent, to leave notice to list property for....	221	5
To list property of owner not found, or neglecting to list.....	221	6
When property undervalued, to list and re-value.....	221	6
Owner listing falsely, or refusing to list, or give in on oath, to list at double value.....	221	7
Penalty for not listing at double value.....	221	7
Penalty of double value not to be remitted by council.....	224	14
May examine witnesses concerning value of property.....	222	8
Penalty for refusing to testify concerning value of property.....	222	8
To note on list by whom property listed for.....	222	9
To file and preserve certified statements of property for.....	222	9
To list and assess property for years omitted, for.....	222	10
To correct and revise lists for.....	222	11
When to return lists for.....	222	11
Affidavit of, upon return of lists for.....	222	11
To attend meeting to hear objections and give information.....	224	15
TAXES—COLLECTION OF.—To collect for former years omitted.....	226	18
How to collect.....	227	22
To give notice of warrant, and demand payment of.....	227	22
Notice deemed a demand for.....	227	22
Neglect to pay for 20 days after notice deemed a refusal.....	227	22
To make personal demand when practicable.....	227	22
When may distrain for, or collect by suit.....	29-6 227	23
Sales of distress for, how made by.....	228	24
Fees for distraining for.....	228	24
May distrain personal property for real estate taxes.....	229	27
To mark property "paid" upon payment of.....	228	25
To give tax receipt upon payment of.....	228	25
Duty when taxes on same property paid by different persons.....	238	44
To correct errors in warrant for.....	228	26
To report property omitted for.....	228	26
To collect, on property omitted.....	229	26
To return warrants for, how returned, and form of return.....	229	28
To return delinquent list, and report errors in warrant	230	29
To charge delinquent personal taxes to real estate of delinquent.....	230	29
May collect taxes by distress or suit, after return of warrant.....	237	43
Overpayments of, to be refunded to.....	228	46
TAX SALES.—To make, of delinquent real estate.....	231	32
To publish notice of.....	29-9 231	32
When and where to be made.....	232	34
How to be conducted.....	232	35
To attend, penalty for not attending.....	232	35

ASSESSOR AND COLLECTOR. *Continued.*

TAX SALES.—And clerk not to bid at.....	233	35
Making erroneously, to refund double purchase money.....	238	45
How to make out certificates of purchase at.....	30-10 333	37
To make out and return list of.....	234	38
To return warrant and order of sale.....	235	38
In cases not provided for to pursue state laws.....	259	49

ATTORNEY.

Qualifications of, and duties.....	10-11 155	1
To advise council, its committees, or city officers.....	155	1
To examine assessment and tax lists, etc.....	155	1
To draft or approve bonds, contracts, ordinances, etc.....	155-2 256	5
To draw up or approve official bonds.....	149	1
To furnish written opinions, and keep record thereof.....	10-11 155	1
To prosecute or defend in city cases.....	155	1
To prosecute suits for fines, penalties, etc.....	155	2
To attend to issuing of, and collection of executions upon judgments.....	156	2
To report cases in which to take appeal or writ of error.....	156	2
To prepare and file necessary papers in city cases.....	156	2
To report condition of city cases in courts of record.....	156	4
To prosecute delinquent officers.....	152	10
To examine and certify fee bills.....	146	4
Not compelled to prosecute malicious suits.....	179	21
To bring suits for loans of school fund.....	193	2
Salary of.....	154	1
Fees of.....	156	3
May when absent, etc., appoint substitute.....	156	5
May act as city clerk.....	10	11
Council may authorize retaining of assistant counsel.....	157	5

AUCTION.

Power to impose duties upon sales at.....	15	13
---	----	----

AUCTIONEERS.

Power to license, tax and regulate.....	15	13
Prohibited without license.....	109	1
Tax for license as.....	110	2
To give bond.....	110	3

AWNINGS.

Power to prevent incumbering of streets, sidewalks, etc., with.....	14	12
Construction of, regulated.....	58	1
Constructed contrary to ordinance, not to be repaired.....	58	1
Mayor or council may require removal of.....	58	1
Penalty for erecting contrary to ordinance.....	59	2
Penalty for permitting insecure or dangerous.....	59	2
Penalty for not removing when notified.....	59	3
Insecure or dangerous, declared nuisances.....	59	4
Costs of removing, how recovered.....	59	4

BAIL.		
Offenders arrested may give.....	178	18
Conditions and penalty of bond for, how filed and forfeited.....	178	18
BALL ALLEYS.		
Power to license, tax, suppress, etc.....	15	15
Use of, for hire, prohibited without license.....	110	1
Tax for license for.....	110	2
Regulations concerning.....	110	3
Licenses for, how forfeited.....	111	4
BAWDY HOUSES.		
Power to suppress, etc.....	15	15
Penalty for keeping, frequenting, being inmate of, etc.....	125	16
Penalty for permitting premises to be used for.....	125	16
BEEF.		
Power to regulate inspection of.....	16	23
BEGGARS.		
Power to restrain, etc.....	16	29
BEER HOUSES.		
How licensed.....	118	3
Penalty for selling spirituous liquors in.....	118	4
Ordinance licensing of repealed.....	123	1
BIDS. See PUBLIC WORKS.		
BILLIARD TABLES.		
Power to license, tax, suppress, etc.....	15	15
Use of for hire prohibited without license.....	110	1
Tax for license for.....	110	2
Regulations concerning.....	110	3
License for, how forfeited.....	111	4
BILLS OF MORTALITY.		
Power to regulate keeping of.....	17	36
For Oakridge Cemetery regulated.....	64	10, 11
Sextons to return to clerk monthly.....	66	18
BIRTHS AND DEATHS.		
Power to regulate registration of.....	17	36
BLACKSMITH'S SHOPS.		
Power to regulate, compel cleansing of, etc.....	17	34, 35
BLOCKS.		
Power to re-survey and re-number.....	41	7
BOARD OF HEALTH.		
Power to prescribe duties and powers of.....	34	4
How constituted.....	34-1	99
Meetings, and quorum of.....	99	2
May establish rules of proceeding, etc.....	99	2
Vacancy in, how filled.....	99	2
Duties of.....	100	3
Powers of.....	101	9

BOARD OF HEALTH. *Continued.*

Orders of, how executed.....	100	4
Members of, to abate nuisances etc.....	100	5
May remove persons having infectious diseases, etc.....	34-3 100	7
To put up notices of small pox, etc.....	101	7
Expenditures of, to be reported to city council.....	101	9
To abate nuisances.....	102	11
May remove or destroy bedding, clothing, furniture, etc.....	34-3 102	10
To appraise bedding, etc, before destroying.....	102	10
Members of, may enter premises to abate nuisances.....	102	11
When may report lots, etc., as nuisances.....	142	2

BONDS.

Of city, power to issue, how may be negotiated.....	13-1 48	4
For sewers—how issued and payable.....	196-2 200	17
For street improvements, how issued and payable.....	217	3
Of auctioneers, who may sue on.....	110	3
Of draymen, etc., who may sue on.....	115	4
Liquor dealers, how executed, etc.....	119-5 123	1
Official, conditions of, how executed, etc.....	149	1
New official bond not to release sureties on old.....	149	1
When suit may be brought on official.....	249	8
Police constables and watchmen may be required to execute.....	174	4
Of school agent, condition of, etc.....	193	1
Of contractors for public works, how executed.....	255	3
Of contractors for public works, to set forth contract.....	256	5
Appeal bonds, sureties of city on, indemnified.....	156	2
Attorney to draft, or approve form of.....	155	1

BONFIRES.

Making of, regulated.....	129-33 138	2
---------------------------	------------	---

BOUNDARIES.

Of city defined.....	3-1 45-1 47	1
Penalty for removing corner stones, or stakes of.....	134	9
Engineer to mark corners of.....	158	4
Of streets and alleys, how established.....	157	1
Of streets and alleys, engineer to keep diagram of.....	157	2

BOYS.

Regulations concerning.....	137	1
-----------------------------	-----	---

BRANCHES.

Powers concerning.....	14-7 41	6
Obstruction, etc., of, prohibited.....	244	1
Filling up, etc, of, regulated.....	244	2
Engineer to survey, and report plans of sewerage, etc.....	244	3
Changing of channels of, to be with reference to sewerage.....	244	3
Engineer to supervise filling up or sewerage of.....	244	3

BREAD.

Power to regulate weight and quality of.....	16	24
--	----	----

BREWERIES.

Power to direct location of and regulate.....	17	35
---	----	----

BRIDGES.

Power to establish, construct, regulate, etc.....	14	7
Penalty for injuring.....	43	18
County court may make appropriations towards building in city.....	47	2
Persons breaking or injuring to repair.....	133	8
Penalty for not repairing.....	134	8

BRICK.

Power to regulate size, quality, and inspection of.....	16	25
---	----	----

BRICK KILNS. See BRICK YARDS.

BRICK YARDS.

Establishment or enlargement of within city prohibited.....	59	1
Penalty for establishing or enlarging.....	60	2
Penalty for abandoning in such condition as to become nuisances.....	60	3

BROKERS.

Power to license, tax, and regulate.....	15	13
--	----	----

MONEY.—Who considered.....	111	1
----------------------------	-----	---

Licenses to, how granted.....	111	2
-------------------------------	-----	---

REAL ESTATE.—Who considered.....	111	3
----------------------------------	-----	---

Licenses to, how granted.....	111	3
-------------------------------	-----	---

BUILDING MATERIALS.

Power to regulate, inspection and measuring of.....	16	21
Use of in streets regulated.....	132	1

BUILDINGS.

Damages to, in opening streets, etc., how assessed.....	22	4
---	----	---

Power to require to be fire proof.....	32	1
--	----	---

When may be torn down or blown up to check fires.....	83	10
---	----	----

Use of fires in, regulated.....	87	24
---------------------------------	----	----

Construction of, in fire limits, regulated.....	90	32
---	----	----

Removal of, through streets, regulated.....	132	2
---	-----	---

Encroaching upon streets, not to be repaired.....	136	17
---	-----	----

Penalty for injuring, defacing, etc., of.....	123-29	138
---	--------	-----

DANGEROUS.—Declared nuisances.....	144	6
------------------------------------	-----	---

How abated.....	145	7
-----------------	-----	---

DILAPIDATED.—Power to declare nuisances, and require repairs, etc., of....	32	1
--	----	---

Wooden, untenantable in fire limits, declared nuisances.....	143	1
--	-----	---

Council may require removal of.....	143	2
-------------------------------------	-----	---

Notice to remove, how given.....	144	3
----------------------------------	-----	---

How removed, or abated.....	144	4
-----------------------------	-----	---

Penalty for not removing upon notice.....	144	5
---	-----	---

WOODEN.—Power to prohibit erection, repair, removal, etc., of.....	32	1
--	----	---

Erection, removal or repair of, in fire limits, prohibited.....	91	35
---	----	----

When damaged fifty per cent., not to be repaired.....	92	35
---	----	----

Damage to, how ascertained.....	91	36
---------------------------------	----	----

Penalty for erecting, etc.....	91	37
--------------------------------	----	----

BUILDINGS. *Continued.*

Constructed contrary to ordinance, declared nuisances.....	92	38
How abated.....	92	38
See PUBLIC BUILDINGS.		

BURIAL OF DEAD.

Power to regulate.....	17	36
------------------------	----	----

BURYING GROUND.

Establishment, or enlargement of in city, prohibited.....	60	1
Penalty for establishing or enlarging.....	60	2
Sextons of to keep bills of mortality.....	66	18
Penalty for injuring tombstones, shrubbery, graves, etc., in.....	127	23

BUTCHERS.

Power to license, regulate, etc.....	15	19
--------------------------------------	----	----

BUTTER.

Power to regulate inspection, and vending of.....	15	18
---	----	----

CANDLES.

Use of, in stables, etc., regulated.....	86	17
Penalty for negligent use of.....	88	26

CARD PLAYING.

Power to suppress.....	15	15
------------------------	----	----

CATTLE.

Power to prohibit running at large of	16	30
---	----	----

CELLARS.

Power to fill up, drain, and compel cleansing, etc., of.....	17-34	18
Penalty for leaving open in night time.....	129	35

CELLAR-WAYS.

Construction of, upon alleys and sidewalks, regulated.....	135	16
--	-----	----

CELLAR WINDOWS.

To have gratings.....	136	16
-----------------------	-----	----

CEMETERIES.

Power to establish, regulate, improve, etc.....	11-10	17
Lots in, exempt from execution and attachment.....	42	11
Penalty for injuring monuments, graves, or shrubbery, etc., in.....	127	23
See BURYING GROUNDS—OAKRIDGE CEMETERY.		

CENSUS.

Power to provide for taking.....	17	37
Taking and returning of, regulated.....	66	1
Manner of taking.....	67	2
Duties of assessor and collector, in taking.....	67	3
Penalty for refusing to give, or giving false information concerning.....	68	4

CERTIFICATES.

Of clerk of authenticity of ordinances, form of.....	168	12
Of purchase at tax sale, form of, and how made.....	30-10	233
Of printer, of publication of notice for tax sales, form of.....	235	38
Of redemption, form of.....	235	39

CESS-POOLS.

Draining of into public sewers prohibited.....199 11

CHARCOAL.

Power to regulate measuring and selling of..... 16 22

CHANDLER'S SHOPS.

Power to compel cleansing, etc., of..... 17 34

CHILDREN.

Power to take up and provide for education, etc., of destitute..... 18 39

CHIMNEYS.

Power to regulate construction, etc., of..... 32 2

Construction of, regulated..... 85 16

Cleaning and burning out of, regulated..... 88 25

CIRCUSES.

Tax for license for.....112 3

CISTERNS.

Power to require house-holders to provide..... 32 4

CITIZENS.

Of city, not incompetent as judges, jurors and witnesses..... 43 19

CITY CHARTER..... 3

Amendments to..... 46

Declared public act..... 44 30

CITY CLERK.

ACCOUNTS.—To audit.....246 1

Accounts of city, how to be kept by.....247 2, 3

ALDERMEN.—When no quorum of, elected, may call elections to fill vacancies 5 4

APPROPRIATIONS.—To notify council when exhausted.....58-3 161 7

ATTORNEY.—May hold office of..... 10 11

BOARD OF HEALTH.—To be clerk of.....34-1 99 1

To keep account of expenditures of.....101 9

BONDS.—To certify approval of, and file official.....12-17 149 1

And other papers, to deliver to attorney for suit, taking receipt.....156 2

BOOKS AND PAPERS OF CITY.—To preserve..... 9 10

CEMETERY.—To keep record and plat of..... 61 2, 5

To receive applications for purchase of lots in..... 62 6

To make out deeds for lots in..... 62 6

To keep cemetery accounts, and report concerning..... 63 7

To receive application for, and make entry of interments in..... 64 10

To receive fees for interment in..... 65 12

To receive sexton's fees..... 65 13

To file certificates of interment in..... 64 11

To compare certificates of interment with books..... 64 11

To make entry of dis-interments, and re-interments in..... 65 13

CITY COUNCIL.—To attend meetings, and keep record of proceedings of.... 9 10

COMMISSIONS.—To prepare.....195 2

CORPORATE SEAL.—To have custody of, to affix and certify under....9-10 195 2

DRAYS, ETC.—To register number of.....115 5

CITY CLERK. *Continued.*

ELECTIONS.—May call special, and appoint judges of, when no quorum of aldermen elected.....	5	4
To give notice of time and place of, and officers to be elected.....	6-1 71	1
To notify judges of, of appointment.....	71	2
To provide ballot boxes for.....	73	8
To provide poll lists for.....	73	9
To canvass returns of.....	77	18
To enter result of on journals.....	77	18
To notify persons elected.....	7-1 78	20
Duties of, in contested.....	79	28
ENGINEER.—To return plats, etc., to, when council done with.....	159	6
Fees of.....	154	3
FIREMEN.—To keep register of.....	83	9
LAMP DISTRICT ACCOUNT.—To keep.....	97	3
LAMP TAXES.—To enter in collectors warrant.....	96	2
LICENSES.—To issue and sign.....	107	2, 3
To pay moneys for, into treasury, and report concerning.....	108	6
To keep register of.....	108	5
NUISANCE ASSESSMENTS.—To make out warrants for.....	147	2
To deliver order of sale for, to collector.....	148	6
OATHS.—May administer.....	10	10
OFFICERS.—To deliver copy of charges to, accused of delinquency.....	152	9
To report delinquent, to council.....	249	8
ORDINANCES.—To enroll and index.....	167	12
To file and preserve originals of.....	167	12
May correct clerical errors in.....	167	12
To publish, with certificate of authenticity attached.....	168	12
To procure proof of publication of.....	168	12
To see to proper printing of.....	168	12
REDEMPTION.—To give certificate of.....	235	39
To make entry of, on record of tax sales.....	235	39
To make special deposits of money for, with treasurer.....	235	39
REPORTS.—To make annual, to council.....	250	12
Salary of.....	154	1
SCHOOL AGENT.—To charge and credit, with school fund.....	193	3
SCHOOL FUND.—To receive city's portion of, from school commissioner.....	191	10
SCHOOL INSPECTORS.—To provide books, stationery, etc., for, upon requisition.....	188-3 191	11
SCHOOL TEACHERS.—To draw warrants for salaries of.....	192	14
SEWERS.—To enter tax for in collector's warrant.....	197	4
To keep sewer district account.....	197	5
To file petitions for.....	199	12
SIDEWALKS.—To publish notice of order for.....	202	5
To deliver to supervisor copy of order for.....	202	6
Warrants, to issue and deliver to collector.....	208	13
To take receipt of collector for, and charge him with.....	208	14
To keep sidewalk account.....	208	14
To deliver copy of order of sale for assessments for, to collector.....	210	18

CITY CLERK. *Continued.*

SLAUGHTER HOUSES.—To issue permits for, etc.	214	2
STREETS AND ALLEYS.—To give notice of return of assessment for opening. 23		11
STREET IMPROVEMENTS.—To enter tax for, in collector's warrant.....	217	5
To keep street improvement account.....	218	7
STREET TAXES.—To return list of voters on poll books for.....	241	5
To charge names on list with.....	241	5
To charge delinquents for prior years with.....	241	4
STREET TAX WARRANTS.—To issue and deliver to collector.....	241	7
To take collector's receipt for, and charge to him.....	241	7
SUPERVISOR.—To charge, with implements, etc. of city.....	160	3
TAX LISTS.—To give notice of hearing of objections to.....	27 2 223	12
TAXES.—To calculate.....	225	18
TAX WARRANTS.—To issue and deliver to collector.....,.....	225	18
To take duplicate receipts from collector for.....	227	21
TAX WARRANTS.—To file collector's receipt for, with treasurer.....	227	21
To charge collector with receipt for.....	227	21
TAX SALES. To deliver warrant and copy of order for, to collector.....	231	31
When to attend.....	233	35
Not to bid at.....	233	35
To record list of.....	235	38
To file affidavits of purchasers at.....	237	41
To make entries of erroneous tax sales, on record of.....	238	47
TAX DEEDS.—To make out and deliver.....	237	42
To make entry of, on record of tax sales.....	237	42
Fees for.....	30	11
TREASURY WARRANTS.—To issue.....10-10	246	1
To keep list of.....	246	1
To take receipt for, upon delivery.....	246	1
To charge to proper fund.....	247	3
To credit treasurer with cancelled.....	248	5
When lost, how may issue duplicate.....	248	7
WARDS.—To keep accounts with.....	161	7
WEIGHER.—To provide books and certificates for.....	164	8
How to keep accounts with.....	164	8

CITY CORPORATION.

Creation and powers of.....	3	2
-----------------------------	---	---

CITY COUNCIL.

How constituted.....	12	1
Clerk to keep record of proceedings of.....	9	10
Mayor to preside over.....	12	1
Majority of members elected a quorum of.....	12	1
May fix time and place of meeting.....	12	1
To hold monthly meetings.....	13	3
Special meetings of, how called.....	13	3
To receive petitions and remonstrances.....	13	3
May prescribe rules of proceedings.....	13	3

CITY COUNCIL. *Continued.*

To be judge of qualifications of own members.....	13	3
May compel attendance of absent members.....	13	3
Members of, ex-officio school inspectors.....	37	7
Members of, exempt from jury duty, or street taxes.....	9-9 239	1
How may remit fines, etc.....	41	10
To give notice of intention to open streets.....	21	2
To appoint commissioners to assess damages for opening streets.....	21	2
To hear objections to assessments for opening streets.....	23	11
To make return in appeals for opening streets.....	24	16
Legislative powers of.....	13	4
To make annual appropriations.....	57-1 161	7
May order removal or alteration of awnings.....	58	1
To appoint board of health annually.....	34-1 99	1
To appoint judges of elections annually.....	71	2
To declare result of elections.....	77	18
To order new election when ballot-box destroyed.....	79	27
Duties of, in cases of contested elections.....	79	28
To provide fire apparatus, etc.....	80	2
May order erection of street lamps.....	95	2
To assess costs of abating nuisances against premises chargeable.....	146	1
To order sales of delinquent premises for nuisance assessments.....	147	5
How may declare lots, etc., nuisances.....	142	3
May require bonds of officers.....	149	1
To approve bonds of officers.....	149	1
May require new bonds of officers.....	149	1
May grant leave of absence to officers.....	151	7
May withhold salaries of officers to secure city from loss.....	151	8
When officers fail to perform duties, may employ duties to be performed.....	151	8
To appoint committee to examine charges against delinquent officers.....	152	9
To set day for hearing charges against officers.....	152	9
To determine charges against officers by "yeas and nays".....	152	9
May compel attendance of witnesses in trials of officers.....	5	5
May fill vacancies of officers suspended.....	5-5 153	12
May remove officers appointed, by vote of two thirds.....	153	13
To order delinquent officers to settle accounts.....	249	8
To approve grades and boundaries of streets and alleys.....	157	1
When may order construction of sewers.....	26-3 195	1
To publish annual statements concerning schools.....	38-18 190	8
May order laying, etc. of sidewalks.....	202	4
To order supervisor to lay delinquent sidewalks.....	205	10
To order costs of sidewalks to be assessed against premises chargeable.....	207	12
To order sale of delinquent premises for sidewalk assessments.....	209	17
To fix day for hearing objections to tax lists.....	27-2 223	12
How to determine objections to tax lists.....	224	14
To order warrants for collection of taxes.....	224	16
To order clerk to enter property omitted, for taxation.....	228	26
May order delinquent personal taxes to be charged against real estate....	230	29

CITY COUNCIL. <i>Continued.</i>		
To order sales of delinquent real estate for taxes.....	230	30
To approve collector's return of tax sales.....	235	38
To order execution of tax deeds.....	236	41
To refund taxes erroneously paid.....	238	45
To refund overpayments of taxes to collector.....	238	46
To order warrants for street taxes.....	241	6
May order suits for street taxes.....	243	9
CITY GRAVE YARD.		
Mayor to keep in good order.....	60	3
Interment in prohibited.....	60	3
CITY LIMITS.		
Original, extended, and present.....	3-1 45-1 47	1
CITY PHYSICIAN.		
Meaning of term defined.....	103	1
Duties of.....	100-6 102	1
Office of, repealed.....	103	1
CLAY PITS. See BRICKYARDS.		
COAL.		
Power to provide for weighing and selling of.....	16	22
Weighing and sale of regulated.....	162	2
Deductions in weighing.....	163	4
COALS.		
Carrying of live, regulated.....	86	19
COAL HOLES.		
To have gratings.....	136	16
COMBUSTIBLE MATERIALS.		
Deposit, etc., of, regulated.....	87	21
Burning of, regulated.....	87	22
Penalty for negligent use of.....	88	26
COMMISSIONS.		
Of officers, form of.....	12-19 150	2
Clerk to prepare.....	195	2
Of officers in lieu of costs.....	181	28
COMMISSIONERS TO ASSESS DAMAGES FOR OPENING STREETS.		
How chosen.....	21	2
To be sworn.....	21	3
To give notice before making assessments, manner of notice.....	21	3
How to assess damages to buildings.....	22	4
To give notice of assessment to owner of building.....	22	5
Manner and contents of notice.....	22	5
Owner of building to have time to remove.....	22	5
Proceedings, when owner of building refuses to remove.....	22	5
How to make assessments and award damages.....	22	7

COMMISSIONERS. *Continued.*

To strike balance of damages, or benefits.....	22	8
Proceedings when land and buildings belong to different persons.....	23	9
To assess damages on property benefited.....	23	10
To sign and return assessment, time of return.....	23	10
Clerk to give notice of return of assessment of.....	23	11
Council to hear objections to assessment of.....	23	11
Council may confirm or annul, or refer assessment back to.....	23	11
Proceedings void when assessment of annulled.....	23	11
If assessment of confirmed, warrant to issue.....	23	11
Assessment referred back, same proceedings to be had over.....	23	11
Power to remove and appoint new.....	23	12

CONSERVATORS OF THE PEACE.

Mayor and aldermen created.....	9	9
Power of to arrest and commit offenders.....	44	27

CONTAGIOUS DISEASES.

Power to prevent introduction of.....	13	3
---------------------------------------	----	---

CONTRACTS.

Discharged when lands condemned for public use.....	24	14
Concerning lands, when discharged <i>pro rata</i>	24	15
With city, to be plainly written.....	149	1
Attorney to draw up, or approve form of.....	155	1

CORNER STONES.

Penalty for removing.....	134	9
Surveyor to place.....	158	4

CORNICES.

Construction of, in fire limits, regulated.....	90	33
---	----	----

COSTS.

Not to be taxed against city.....	179	20
Of malicious suits, may be taxed against prosecutor.....	179	21
Commissions of officers in lieu of.....	181	28

COUNTERFEITING IMPLEMENTS.

To be seized and destroyed.....	92	1
---------------------------------	----	---

COURT.

Meaning of defined.....	166	3
-------------------------	-----	---

CRIMINALS.

Provisions concerning.....	40	4
----------------------------	----	---

CROSSINGS.

Power to construct, etc.....	14-7 25	2
How to be constructed.....	161	8
Not to be obstructed with teams, etc.....	137	23

CULVERTS.

Power to construct, etc.....	14	7
How to be constructed.....	162	8
Persons injuring to repair, penalty for not repairing.....	133	8

CURBING.

How to be constructed.....	201	1
Repair, and relaying of, how made.....	211	21
Penalty for not repairing after notice.....	213	25

DAMAGES.

To buildings in opening streets, etc., how assessed.....	22	4
To lands in opening streets, etc., how awarded.....	22	7
For opening streets to be assessed on property benefited.....	23	10
To buildings in fire limits, how ascertained.....	91	36
Gas company liable for in use of streets, etc.....	94	1
Persons obstructing streets liable for.....	135	15
Sureties of city on appeal bonds indemnified from loss or.....	156	2
Owner of adjoining premises liable to, for bad condition of sidewalks.....	213	24

DANGEROUS AMUSEMENTS.

Power to prohibit.....	17	31
------------------------	----	----

DANGEROUS OCCUPATIONS.

Power to regulate.....	32	5
------------------------	----	---

DEAD.

Power to regulate burial of.....	17	36
----------------------------------	----	----

DEAD ANIMALS.

Penalty for leaving in city.....	140	5
Removal of, regulated.....	140	6

DEBT.

Council not to incur, without levying tax to pay interest.....	19	3
Of city, surplus money may be appropriated to pay.....	13	1
Of city, power to provide for paying.....	13	2
Ordinance creating, for sewers, not to be repealed.....	26	3
Of city, clerk to keep account of.....	247	3
Action of, may be brought for penalties, etc.....	42	14

DEBTORS.

Of city, accounts in favor of, how allowed.....	249	9
---	-----	---

DEEDS.

For cemetery lots, form of, and how made.....	62	6
For lands sold for taxes. See TAX DEEDS.		

DEFAULTERS.

Ineligible for any city office.....	6	7
Who considered.....	6	7
Office of, vacated.....	6	7

DELINQUENTS.

For taxes, collector to return list of.....	230	29
Taxes due from, may be charged against real estate.....	230	29

DEMAND.

What considered a.....	29	6
Of payment of nuisance warrants, how made.....	147	3
Of payment of sidewalk warrants, how made.....	209	15
Of payment of taxes, how made.....	227	22

DEPOSITIONS.

Of witnesses in contested elections, when may be taken.....	80	30
Of witnesses in trials of officers, when may be taken.....	153	11

DISORDERLY ASSEMBLAGES.

Power to suppress, etc.....	16	27
Penalty for permitting, upon premises.....	124	4

DISORDERLY CONDUCT.

Penalty for.....	124	2, 3
------------------	-----	------

DISORDERLY HOUSES.

Power to suppress, etc.....	18	15
Penalty for keeping, frequenting, etc., of.....	125	16
Penalty for permitting premises to be used for.....	125	16

DISPENSARIES.

Power to establish, regulate, etc.....	14	11
--	----	----

DISTILLERIES.

Power to regulate, etc.....	17	35
-----------------------------	----	----

DISTRESS.

When collector may levy, for taxes, etc.....	29-6 227	23
Sales of, how made.....	228	24
Personal property may be distrained for taxes on real.....	229	27
Collector may levy, after return of warrant.....	237	43

DISTURBANCES.

Power to suppress.....	16	27
Penalty for.....	124	3
Of lawful assemblies, penalty for.....	124	7
Of the peace, penalty for.....	124	3
Of the peace at elections, penalty for.....	78	21
Of religious assemblages, penalty for.....	78	6

DOGS.

Power to prohibit running at large of; to destroy, etc.....	17	30
Running at large of, regulated.....	68	1
To be registered annually.....	68	2
Mayor or council may require to be confined or muzzled.....	68	3
When to be killed.....	69	3, 4
Bitches in heat running at large declared nuisances.....	69	5
Fees of officers for killing.....	69	6
Officers may employ assistants to kill.....	69	7
Officers to remove dead, beyond city.....	69	7

DOGS. *Continued.*

Officers to report to council concerning.....	70	8
Penalty for obstructing officer in killing	70	9
Penalty for killing, etc., of, illegally.....	70	10
DANGEROUS.—Running at large of, prohibited.....	70	11
Officers to kill.....	70	11

DRAINS.

NATURAL.—Power to straighten, sewer, prevent filling up, etc., of.....	14	7
Penalty for obstructing, etc., of.....	244	1
MAIN.—Power to construct, etc.....	25	2
PRIVATE.—Power to regulate construction, etc., of.....	18-40	26

DRAYS.

To be numbered and registered.....	115	5
License not required for private, etc.....	114	3

DRAYMEN.

Power to license, fix compensation, etc., of.....	15	14
To be licensed.....	114	1
Tax for license as.....	114	2
Minors, or non-residents, not to be licensed as.....	114	4
To give bond.....	115	4
Fees and charges of.....	115-6	117
Regulations concerning.....	115	7, 8, 9
Marshal to designate s ds for.....	116	10
To keep certified copy of fees.....	116	11
Penalty for keeping false copy of fees.....	116	11

DRUNKENNESS.

Penalty for, in public.....	124	9
Police officers to arrest persons guilty of.....	122	19

DWELLINGS.

WOODEN.—Repair of, in fire limits, regulated.....	91	35
---	----	----

ELECTIONS.

Power to regulate, and appoint judges of.....	7	2
Charter, when and how held.....	6-1	71
Notice of how given.....	71	1
Special, how held and conducted.....	71	1
Judges of, how appointed and notified.....	71	2
Judges of, how to be chosen.....	72	3
Alternates, how appointed and notified, and when to serve.....	71	2
Judges or alternates not acting, vacancy, how supplied.....	71	3
Clerks of, how appointed.....	72	4
Who incompetent as judges or clerks of.....	72	4
Oath of judges and clerks at, how administered.....	72	5
Returns not invalid for informality in oath.....	73	5
Judges or clerks at, unable to act, substitute, how appointed.....	73	6

ELECTIONS. *Continued.*

Oath of substitute at, and time of, how noted.....	73	6
Polls, when and how opened.....	73	7
Ballot boxes, how provided, constructed and used at.....	73	8
Judges to examine ballot boxes before receiving votes.....	73	8
Poll lists, how provided, form of, and votes how registered on.....	73	9
Affidavit of judges and clerks to be affixed to poll lists.....	72	5
Clerks of, how to register votes on poll lists.....	73	9
Voting at, to be by ballot.....	7-2 74	10
Ballots, form of, and manner of voting at.....	74	10
Judges not to open ballots except to see if single.....	74	10
Judges not to mark ballot except when vote rejected.....	74	10
Judges to correct errors in poll lists.....	75	14
Vote of person offering double ballot to be rejected.....	74	10
Who legal voters at.....	7-3 74	11
Voters at, to vote in wards.....	7-3 74	11
Who may challenge voters at.....	74	12
Oath of challenged voters.....	7-3 75	12
Ballot boxes, how sealed and kept when polls not open.....	75	13
Clerks to compare and correct poll lists.....	75	14
Judges and clerks to canvass ballots, how canvassed.....	75	14, 15
Ballots, when counted, to be returned to city clerk.....	76	15
Rejected votes and ballots, how returned.....	76	15
Clerks to make out returns of, form of returns.....	76	16
Returns of, how directed, sealed and transmitted.....	77	17
One of judges to keep copy of returns.....	77	17
One of judges to be chosen to deliver returns.....	77	17
Penalty for not delivering returns.....	77	17
City clerk to notify mayor or two aldermen, when returns filed.....	77	18
Mayor or aldermen to call special meeting when returns filed.....	77	18
Clerk to canvass returns.....	77	18
Council to declare result of.....	7.2 77	18
Who to be declared elected at.....	7	2
Clerk to enter result of, on journals.....	77	18
Clerk to notify officer elected.....	7-2 78	20
Judges and police officers to keep order at polls.....	78	21
Penalty for disturbing peace at polls.....	78	21
Penalty for illegal voting at.....	78	22, 23
Penalty for misconduct of judges and clerks of.....	78	24, 25
Penalty for seizing or carrying away ballot boxes, or poll lists, at.....	79	26
Election void when ballots destroyed at.....	79	27
How contested.....	79	28
Certificate of election not to be issued in contested.....	79	28
Witnesses in contested, how summoned, etc.....	79	30
Fees of judges and clerks of.....	80	31
Not to be held in groceries.....	7	4
Voters at, exempt from arrest on civil process.....	7	5

ENGINE HOUSES.

Power to provide.....	33	3
How to be provided.....	80	2
Fire companies to have custody of.....	82	6

ENGINEER.

Powers and duties of	10	14
To make plans and estimates for public works.....	157	1
To superintend construction of public works.....	157-1 256	7
To make surveys of grades, and boundaries of streets and alleys.....	157	1
Grades and boundaries not established till approved by council.....	157	1
To receive, measure, and keep account of materials.....	157	1
To examine and certify accounts for materials.....	157	1
To preserve records, plats, etc., of office.....	157	2
To keep diagram of grades and boundaries of streets.....	157	2
To make surveys within city.....	158	3
To employ chainmen at own expense.....	158	3
Oath of chainmen, or assistants.....	158	3
To acquaint himself with, and procure field notes of original surveys.....	158	3
To note errors in original surveys.....	158	3
To mark corners of lands surveyed.....	157	4
To give certificates of, and record surveys.....	158	4
Validity of surveys of.....	10	14
To mark grades of streets or alleys, without charge.....	158	5
Clerk to return plats, etc., to, when council done with.....	159	6
To lay out cemetery grounds.....	61	2
To report progress and cost of sewers.....	197	5
To keep plat of sewer districts.....	199	13
To survey and report plans of sewerage branches, etc.....	244	3
To supervise filling up and sewerage of branches, etc.....	244	3
To enter plat of town branch in diagram of grades.....	245	2
To suspend public works when not done properly.....	257	7
Certifying to contracts wrongly, liable for loss.....	257	7
Salary of.....	165	1
Fees of.....	158	5

ENGINEERS OF FIRE DEPARTMENT.

Power to appoint, and prescribe duties of.....	33	4
Chief and assistant, created.....	80	1
How to command at fires.....	81	4
Powers and duties of.....	89	30

ERECTATIONS.

Dangerous, declared nuisances.....	144	6
How abated.....	145	7
Penalty for making, encroaching on streets.....	132	3
Penalty for making, without ascertaining line of street.....	132	4
Encroaching on streets, penalty for repairing.....	136	17

EVIDENCE.

Copies of journals and papers of city clerk.....	9	10
Assessment and tax lists.....	29	6
Of exemption of firemen.....	33-4	83
Oath of purchaser at tax sales, <i>prima facie</i>	237	41
Tax deeds of what, <i>prima facie</i> and conclusive.....	31	14
What conclusive, of publication of ordinances.....	42	13

EXCAVATIONS.

Penalty for making in streets without permit.....	133	8
Penalty for leaving open in night time.....	129	35

EXCREMENT.

Removal of, regulated.....	140	6
----------------------------	-----	---

EXECUTIONS.

For penalties may issue instanter.....	43	17
Form of, and how executed.....	43	17
Attorney to collect.....	156	2

EXHIBITIONS.

Power to license, tax, regulate, etc.....	15	13
Prohibited without license.....	112	1
What, exempted.....	112	2
Tax for license for.....	112	3
Regulations concerning.....	113	4, 5
Licenses for, how forfeited.....	113	5

FALSE ALARM.

Penalty for making, or false cry for assistance.....	124	8
--	-----	---

FAST DRIVING.

Penalty for.....	128	30
------------------	-----	----

FEES.

For impounding and selling animals.....	105	4
Of marshal for registering dogs.....	68	2
For killing dogs.....	69	6
Of draymen.....	115-6	117
Of hackmen.....	252	3
Of judges and clerks of elections.....	80	31
Of clerk for issuing permits to keep gunpowder.....	99	9
Of clerk for issuing and certifying licenses.....	108	6
Of marshal for collecting license moneys.....	109	8
Of city clerk.....	154	3
Of attorney.....	156	3
Of engineer.....	158	5
Of weigher.....	162	3
Not to be charged against city.....	155	3
Officers to keep account of, received and report concerning.....	155	4
For interring in cemetery.....	65	12
Of sexton.....	65	13

FEES. *Continued.*

Of marshal for executing process.....	10	13
Of police constables for executing process.....	176	9
Of police officers and police magistrates in lieu of costs.....	181	28
Of assessor and collector for distraining for taxes.....	228	24
Of clerk for certificate of redemption.....	235	39
Of clerk for tax deeds.....	30	11

FENCES.

Power to regulate building of partition.....	33	8
Penalty for injuring, fastening animals to, etc.....	128	28
Encroaching upon streets not to be repaired.....	136	17

FIGURES.

May be used in tax lists.....	238	48
-------------------------------	-----	----

FINANCE COMMITTEE.

Duties of.....	249	10
----------------	-----	----

FINES.

Power to impose, not to exceed \$500.....	19	42
How recovered.....	19	42
Certain to be paid to school fund.....	40	5
When and how council may remit.....	41	10
Imprisonment for non-payment of.....	43	17
Offenders to stand committed until paid.....	19	42
Not to be repealed by subsequent ordinance.....	167	9
Imposed by different ordinances, prosecutor to elect under which to proceed.....	167	10

FIRES.

Who to command at.....	81	4
Duties of officers at.....	82	5
Limits may be prescribed at.....	84	14
When buildings may be torn down to check.....	83	10
Bystanders to aid at, when required.....	83	11
Penalty for riotous conduct at.....	84	12
Use of, in stables, etc., regulated.....	86	17
Use of, out doors and in sheds regulated.....	87	24
Carrying of, regulated.....	86	19
Penalty for negligent use of.....	88	26
Penalty for kindling or leaving upon planked street or sidewalk.....	134	12

FIRE APPARATUS.

Power to provide.....	33	3
How provided and kept.....	80	2
Mayor to cause to be repaired.....	81	2
Mayor to report condition of.....	81	3
Fire companies to have custody of.....	82	6
Penalty for using for private purposes, or removing.....	83	8
Penalty for injuring.....	84	15

FIRE ARMS.

Power to regulate or prohibit use of.....	32	6
Penalty for discharging.....	129	33

FIRE BUCKETS.

Power to compel citizens to provide, and regulate use of.....	32	4
---	----	---

FIRE COMPANIES.

Power to organize.....	33	1
Organization of, and duties.....	82	6
Duties of, at fires.....	82	7
Mayor to report concerning.....	81	3
To report list of members to mayor.....	83	9

FIRE DEPARTMENT.

How constituted.....	80	1
Mayor to have control over.....	81	3

FIRE LIMITS.

Power to establish.....	32	1
Defined.....	90	31
Construction of buildings in, regulated.....	90	32
Erection, etc., of wooden buildings in, prohibited.....	91	35

FIREMEN.

Power to appoint and prescribe duties of.....	33	2
Exempt from jury duty and street taxes.....	33	4
Clerk to keep register of.....	83	9
Evidence of exemption of.....	33-4 83	9

FIRE WALLS.

Construction of, regulated.....	91	34
---------------------------------	----	----

FIRE WARDENS.

Who, and powers and duties of.....	89	30
------------------------------------	----	----

FIRE WORKS.

Power to prohibit use of.....	32	6
Penalty for setting off of.....	129	33

FISCAL YEAR.

When to commence.....	250	14
-----------------------	-----	----

FISH.

Power to regulate inspection and selling of.....	15	18
--	----	----

FLOUR.

Power to regulate inspection of.....	16	23
--------------------------------------	----	----

FORESTALLING.

Power to prevent and punish.....	15	18
----------------------------------	----	----

FOUNDRIES.

Power to regulate.....	17	35
------------------------	----	----

FRAUDULENT DEVICES AND PRACTICES.

Power to suppress.....	15	15
------------------------	----	----

FUEL.

Power to regulate measuring and selling of.....	16	22
Placing in streets, etc., regulated.....	135	13

GAMBLING.

Power to suppress, etc.....	15	15
Penalty for.....	125	14
Penalty for permitting on premises.....	125	15
Houses.—Power to suppress, etc.....	15	15
Penalty for keeping, frequenting, etc.....	122	16
Penalty for permitting premises to be used for.....	125	16

GAMING IMPLEMENTS AND DEVICES.

Power to destroy, etc.....	15	15
To be seized and destroyed.....	92	1
Penalty for keeping.....	125	15

GAS LIGHTS.

Penalty for negligent use of.....	88	26
-----------------------------------	----	----

GAS LIGHT COMMITTEE.

To inspect street lamps.....	96	5
To require proper lighting of street lamps.....	96	1

GAS LIGHT COMPANY.

Charter of.....	307	
Proposition and contract of.....	310	
Use of streets, etc., granted to.....	94	1
Use of streets, etc., by, regulated.....	94	1
Liable for damages arising in use of streets.....	94	1
To erect public lamps for city.....	94	2
To light and repair street lamps.....	94	2
Compensation of for street lamps.....	94	2
To keep lamps well cleaned.....	95	3
Penalty for injuring property of.....	127	24

GAS PIPES.

Power to control laying of in streets.....	14-8 309	6
Laying of, regulated.....	94	1

GAUGERS.

Power to appoint, etc.....	16	23
----------------------------	----	----

GEESE.

Power to prohibit running at large of.....	16	30
Running at large of, prohibited.....	104	1

GOATS.

Power to prohibit running at large of.....	16	30
Running at large of, prohibited.....	104	1

GRADES.

Penalty for removing stakes of.....	134	7
Engineer to make surveys of.....	157	1
Council to approve and establish.....	11-14 157	1
Engineer to keep diagram of.....	157	2
When engineer to mark, without charge.....	158	5
Of sidewalks, how established, etc.....	212	23

GRAVES.

Penalty for trespassing upon, etc.....	66-16 127	23
Depth of, regulated.....	65	14

GROCERIES.

Elections not to be held in.....	7	4
Power to suppress and restrain.....	15	15
Power to compel cleansing of.....	17	34
Penalty for loitering about.....	120	10
Penalty for disorderly conduct in.....	100	13

GROCERY KEEPERS.

Power to license, suppress, etc.....	15	13
Prohibited without license.....	117	1
How license granted to.....	118	2
To give bond.....	118	5
Not to permit drunkenness or gambling in groceries.....	119	6
Not to sell or keep open on Sunday.....	119	7
Not to keep open groceries after 11, P. M.....	119	8
Not to sell to minors, or drunken persons.....	119	9
Not to employ minors as clerks.....	119	9
To notify minors or drunken persons to leave groceries.....	120	10
May arrest minors, or drunken persons, refusing to leave.....	120	10
Not to sell or give liquor to drunkards after notice.....	120	11
To keep orderly house.....	120	12
May arrest offenders in groceries.....	121	14
How license of, forfeited.....	121	17
To keep copy of ordinance concerning liquors.....	122	21
Police officers to enforce ordinances concerning.....	122	19

GUN POWDER.

Power to regulate, and keeping of.....	33	7
Not to be kept for sale without permit.....	97	1
Permits for keeping, how granted and forfeited.....	98	8, 9
Storing and keeping of, regulated.....	97	2
Selling of, regulated.....	97	3
Persons keeping for sale, to keep up sign.....	98	4
Carrying of, regulated.....	98	5
Penalty for concealing.....	98	6
Duty of persons keeping, in case of fire.....	98	7
Kept contrary to ordinance, to be seized by marshal.....	98	8

GUTTERS.

Of buildings in fire limits, construction of, regulated.....	90	33
--	----	----

HACKMEN.

Power to license, fix fees of, etc.....	15	14
Prohibited without license.....	252	1
Keepers of livery stables, when not considered.....	252	1
Tax for license for.....	252	2
Minors and non-residents not to be licensed as.....	252	2
Fees and charges of.....	252	2
Penalty for refusal to carry passengers, or for extortion.....	252	4
To keep certified copy of fees.....	252	5
Penalty for producing false copy of fees.....	552	5

HACKNEY CARRIAGES. See HACKMEN.

HAWKERS.

Power to license, tax, suppress, etc.....	15	13
---	----	----

HAY.

Power to provide for weighing and selling of.....	16	22
Weighing and sale of, regulated.....	162	2
Deductions in weighing.....	163	4
What a ton of.....	163	4
Deposit and stacking of, regulated.....	87	21

HEADING.

Power to regulate inspection and measuring of.....	16	21
--	----	----

HEALTH.

Powers concerning public.....	13-4	17	32
-------------------------------	------	----	----

HEALTH OFFICERS.

Duties of.....	34	2
----------------	----	---

HIGHWAYS. See STREETS AND ALLEYS.

HOGS.

Power to prohibit running at large of, etc.....	16	30
Running at large of, prohibited.....	104	1

HOG PENS.

Penalty for offensive or annoying.....	139	2
--	-----	---

HOOK AND LADDER COMPANIES.

Power to organize.....	33	1
------------------------	----	---

HOOPS.

Power to prohibit rolling of.....	17	31
Rolling of, prohibited.....	138	2

HORNS.

Power to prohibit blowing of.....	17	31
-----------------------------------	----	----

HORSES.

Power to prevent running at large.....	16	30
Power to compel fastening of	16	28
Running at large of, prohibited.....	104	1
Penalty for leaving in streets without fastening.....	128	31

HORSE RACING.

Power to prohibit, in streets, etc.....	16	28
Penalty for, in streets.....	128	30

HOSE COMPANIES.

Power to organize.....	33	1
------------------------	----	---

HOSPITALS.

Power to establish and regulate.....	14	11
--------------------------------------	----	----

HOUSE OF CORRECTION.

Power to establish, regulate, etc.....	17	38
Who may be confined in.....	17	38

IDIOTS.

Mayor to notify persons chargeable with, to provide for.....	173	14
--	-----	----

IMPRISONMENT.

Power to impose.....	19	42
Not to exceed six months.....	19	42
How imposed for non-payment of fines.....	43	17

INDECENCY. See OBSCENITY.

INFANT OWNERS.

When guardian may be appointed for.....	25	19
---	----	----

INN KEEPERS.

Power to license, regulate, etc.....	15	13
Who considered.....	112	4
License to, how granted.....	112	4

INSPECTORS.

Of lumber, etc., power to appoint, etc.....	16	21
Of beef, pork, etc., power to appoint.....	16	23

INTEREST.

On city debt, power to levy tax to pay.....	20	3
Council not to incur debt without levying tax to pay.....	20	3
Not to pay illegal.....	13	1
Of city debt not to exceed one half of revenue.....	13	1

JAIL.

County, offenders may be confined in.....	19-42 180	25
---	-----------	----

JURORS.

Citizens of city not incompetent as.....	43	19
Fees of.....	179	20

JUSTICES OF THE PEACE.

Power to confer jurisdiction on, in suits for penalties, etc.....	42	16
When may be appointed police magistrates.....	182	29

KITES.

Power to prevent flying of.....	17	31
Flying of, prohibited.....	138	2

LADDERS.

Power to compel house holders to provide.....	38	9
---	----	---

LAMPS.

Power to erect, and regulate lighting of, in streets.....	14	8
How erected, and quality of.....	94	2
How lighted, repaired, etc.....	95	2
Compensation for lighting, etc., and how paid.....	95	2
Council may order erection of.....	95	2
How to be located.....	95	2
To be kept in good order and repair.....	95	3
When to be kept lighted.....	95	3
Quality of light to be supplied for.....	95	4
Insufficiency of light in, how remedied.....	95	4
Gas committee to inspect.....	96	5
To be numbered.....	96	5
Mayor and gas committee to require proper lighting of.....	96	1
Penalty for injuring, etc., of street.....	127	24
Penalty for lighting or extinguishing street.....	127	25

LAMP DISTRICT.

Power to create, alter, or extend.....	14	8
Established.....	95	1
Clerk to keep account with.....	97	3

LAMP POSTS.

Penalty for injuring, etc.....	127	24
Penalty for climbing upon, or fastening animals to, etc.....	127	26

LAMP TAXES.

Power to levy.....	20	5
How levied, collected, and expended.....	96	2

LANDS.

For what purposes assessments may be made against.....	26	4
--	----	---

LARD.

Power to inspection and vending of.....	15	18
Power to regulate steaming and rendering of.....	17	35
Steaming of, regulated.....	213	1
Penalty for steaming tainted.....	214	4

LEASES.

Discharged upon lands condemned for streets, etc.....	24	14
Discharged <i>pro rata</i> when part of land condemned.....	24	15

LICENSES.

Power to regulate granting and registering of.....	15	16
Not to be granted exceeding one year.....	15	16
Amount to be charged for, and fees for issuing.....	15	16
Mayor to receive application for.....	107	1
Applications for, how made.....	107	2
How granted and issued.....	107	2
Not to be issued ex year.....	107	3
Mayor and clerk to sign.....	107	3
Not valid until issued.....	107	3
How to be dated.....	107	3
Granted subject to ordinances of city.....	107	4
How revoked or forfeited.....	108	4
Not assignable or transferable.....	108	5
Duties of clerk concerning.....	108	6
Fees of clerk for issuing and certifying.....	108	6
Form of.....	108	7
Marshal to enforce ordinances concerning.....	109	8
SEE AUCTIONEERS, BALL ALLEYS, BILLIARD TABLES, BROKERS, DRAYMEN, HACKMEN, INNKEEPERS, ORDINARIES, PEDDLERS, TRANSIENT TRADERS.		

LIEN.

When taxes and assessments a lien on real and personal estate.....	28-4 227	20
Sewer taxes lien on real estate in district.....	26-3 196	7

LIME.

Power to provide for inspection, weighing, and selling of.....	16	22
--	----	----

LIMITS.

Of city defined.....	47	1
Officers may prescribe at fires.....	84	14

LIQUORS.

Power to regulate inspection of.....	16	23
Power to regulate, prohibit, etc., sale, etc., of.....	15	17
Power to prohibit sale of to minors, etc.....	15	17
Power to regulate sale, etc., of, within three miles of city.....	45	2
No change of venue in prosecutions for selling, etc.....	46	3
What sum to be taxed for license to sell, etc.....	15	16
Sales of, by retail prohibited without license.....	117	1
Licenses for sales of by grocery keepers, how granted.....	117	2
Licenses to sell by pint and upwards, how granted.....	121	15
Penalty for permitting to be drank on premises.....	122	16
Police officers to enforce ordinances concerning.....	122	19
Penalty for furnishing, to prisoners.....	131	3
See GROCERY KEEPERS.		

LIVERY STABLES.

Power to regulate construction, etc., of.....	17	35
---	----	----

LOCAL EXPENDITURES.

How made.....	41	8
---------------	----	---

LOCOMOTIVES.

Power to direct or prohibit use, and regulate speed of.....	18	41
Use and speed of, regulated.....	182	1

LOTS.

Power to resurvey and number.....	41	7
Power to fill up, drain, etc.....	18	40
When and for what purposes assessments may be made against.....	26	4
What considered nuisances upon.....	141	1
How declared nuisances.....	142	2
Notice to abate nuisances upon, how given	142	4
Nuisances upon, how abated.....	143	5
Officers to keep account of abating nuisances upon.....	143	6

LOTTERIES.

Power to suppress, etc.....	15	15
Penalty for setting up or selling tickets in.....	125	14

LUMBER.

Power to regulate inspection and measuring of.....	16	21
--	----	----

LUMBER YARDS.

Regulated, and prohibited in fire limits.....	89	29
---	----	----

LUNATICS.

Regulations concerning.....	173	14
-----------------------------	-----	----

MALICIOUS MISCHIEF.

Penalty for.....	126	22
------------------	-----	----

MALICIOUS PROSECUTIONS.

Attorney not compelled to prosecute.....	179	21
Costs of, may be taxed against prosecutor.....	179	21

MANUFACTORIES.

Power to regulate dangerous.....	32	5
----------------------------------	----	---

MARKETS.

Power to establish, erect, regulate, etc.....	14	9
Power to levy tax to build, etc.....	20	4

MARSHAL.

Powers and duties of.....	10	13
To execute process.....	10-13	302
Fees of, for executing process.....	10	13
Not to serve civil process until qualified as constable.....	10	13
To be chief of police department.....	175	6
To have office, or station.....	175	6
May establish police rules and regulations.....	177	13

MARSHAL. *Continued.*

To keep records, books, accounts, etc.....	177	13
Salary of.....	165	1
Commissions of, in lieu of costs.....	181	28
May be authorized to remove watchmen or policemen.....	4	2
Duties concerning taking up, impounding, and selling of animals.....	104	2
Duties of, concerning awnings.....	58	1
To give notice of meetings of board of health.....	99	2
To give notice of meetings of city council.....	52	34
To attend meetings, and execute orders, etc., of council.....	52	34
To notify removal and remove dilapidated buildings.....	144	3
Duties of, concerning dogs.....	68	2
To designate stands for drays, omnibuses, etc.....	116	10
To deliver notices of appointment to judges of elections.....	71	2
To deliver notices of election to officers elected.....	78	20
To keep order at elections.....	78	21
To execute warrants for witnesses in contested elections.....	80	30
To stop persons guilty of fast driving.....	128	30
Ex-officio fire warden.....	89	30
Duties of, at fires.....	82	5
To arrest offenders at fires.....	84	13
May appoint property guards at fires.....	84	14
To tear down or remove buildings in fire limits, contrary to ordinance...	92	38
To seize gaming and counterfeiting implements.....	92	1
To seize gunpowder kept contrary to ordinance.....	98	8
To confine lunatics, and notify persons chargeable.....	173	15
To enforce license ordinances, and collect license moneys.....	109	8
To enforce ordinances concerning liquors, and arrest drunkards.....	122	19
To close groceries, open contrary to ordinance.....	121	18
To abate nuisances	102	11
To report names of offenders committed.....	180	26
To execute warrants for witnesses in trials of officers.....	153	11
To seize and destroy unsound provisions.....	130	37
To enforce ordinances relative to slaughter houses, etc.....	214	5
To cause removal of obstructions in streets	133	6
To remove trees planted contrary to ordinance.....	251	1

MAYOR.

May be authorized to appoint and remove watchmen and policemen.....	4	2
Oath of office of.....	8	2
To preside over city council.....	8-2	12
May call meetings of city council.....	13	3
To have casting vote, only.....	12	1
To enforce laws and ordinances.....	8	2
To require officers to discharge duties.....	8	2
To give information and recommend measures to council.....	8	2
May call out <i>posse comitatus</i> , or militia, to enforce laws or ordinances, or suppress riots.....	8	3
May require exhibit of books and papers of officers.....	8	4

MAYOR. *Continued.*

Power to execute all acts required by charter or ordinances.....	8	4
Liable to indictment and removal for malconduct, etc.....	8	5
Power to veto acts of council.....	9	7
How majority of council may overrule veto of.....	9	7
May administer oaths, take depositions, acknowledgement of deeds, etc..	9	7
Ex-officio conservator of the peace, and fire warden.....	9-9	89 30
Exempt from jury duty, and street labor.....	9	9
When may remit fines or penalties.....	41	10
ACTING.—When and how appointed, and powers and duties of.....	9	8
When may exercise powers and duties of mayor.....	166	7
<i>Pro tem.</i> To be appointed when office of mayor contested.....	79	29
May order removal or alteration of awnings.....	58	1
To give bond for city, in cases of appeals, or writs of error.....	156	2
To preside over, and execute orders of board of health.....	34-1	99 1
May call meetings of board of health.....	99	2
To abate or remove dangerous buildings, or erections.....	145	7
To notify removal of dilapidated buildings.....	144	3
To call meeting of council to canvass election returns.....	77	18
To issue warrants for witnesses in contested elections.....	79	30
To cause fire apparatus to be repaired.....	81	2
To have supervision over fire department.....	81	3
May arrest offenders at fires.....	84	13
To order removal of buildings contrary to ordinance in fire limits.....	92	38
To cause seizure of gaming and counterfeiting implements	92	1
To keep "old city grave yard" in repair.....	60	3
To order seizure of gunpowder kept contrary to ordinance.....	98	8
To notify persons chargeable, to provide for idiots, or lunatics.....	173	14
To require proper lighting of street lamps.....	96	1
To receive applications for, and grant licenses.....	107	1
To give notice to abate nuisances upon lots, etc.....	142	4
May arrest offenders.....	175	7
When officers absent, may assign duties to other officers.....	151	6
May grant leave of absence to officers.....	151	7
To prefer charges against delinquent officers.....	152	9
To issue warrants for witnesses in trials of officers.....	153	11
To notify delinquent officers and sureties to settle accounts.....	249	8
To have general supervision over police department.....	174	5
To require police officers to discharge duties.....	174	5
May require special police duties of officers.....	176	12
To seize and destroy unsound provisions.....	130	37
SALARY OF.....	9-6	154 1
When may borrow money and issue bonds for sewers.....	196-2	200 17
To cause removal of obstructions in streets.....	133	6
How may borrow money and issue bonds for planking streets.....	217	3
To cause proper trimmings, etc. of trees.....	251	2
To give notice of letting of public works.....	255	2
To approve bonds and contracts for public works.....	256	5
How to award contracts for public works.....	255	2

MEAL.

Power to regulate inspection of.....	16	23
--------------------------------------	----	----

MEASURES.

Power to establish, regulate, and require sealing of.....	15	20
Penalty for using false.....	130	38

MEASURERS.

Of lumber, etc., power to appoint.....	16	21
--	----	----

MEATS.

Power to regulate inspection and vending of fresh.....	15	18
--	----	----

MECHANICAL WORK.

Power to regulate inspection and measuring of.....	16	21
--	----	----

MENAGERIES.

Tax for license for.....	112	3
--------------------------	-----	---

MENDICANTS.

Power to restrain and punish.....	16	29
-----------------------------------	----	----

MERCHANTS.

Power to license, tax, and regulate.....	15	13
--	----	----

MERCHANDISE.

Obstructing of streets, alleys, and sidewalks with, regulated.....	135	13
Placing of, upon sidewalks regulated.....	136	18

MINORS.

When guardian may be appointed for.....	25	19
Not to loiter about billiard rooms or ball alleys.....	110	3
Not to be licensed as draymen.....	114	4
Not to be licensed as hackmen.....	252	2
Not to be employed in or loiter about groceries.....	119	9
How may redeem from tax sales.....	235	40

MUNICIPAL GOVERNMENT.

How constituted.....	4	1
----------------------	---	---

NEGROES.

To be refunded portion of school taxes collected.....	193	18
---	-----	----

NOISES.

Power to suppress, etc.....	16	27
-----------------------------	----	----

NON-RESIDENTS.

Notice of opening streets, how given to.....	21	3
Notice of assessments of damages in opening streets, etc., how given to..	22	5
Notice to abate nuisances upon lots, how given to.....	142	4
Notice to remove dilapidated buildings, how given to.....	144	3
Notice to lay sidewalks, how given to.....	204	7
Not to be licensed as draymen, etc.....	114	4
Not to be licensed as hackmen.....	252	2

NOTICE.

Of intention of council to open streets, etc., how given.....	21	2
Of meeting of commissioners for assessing damages in opening streets how given.....	21	3
Of assessment of damages for opening streets, how given.....	22	5
Of return of assessment for opening streets, etc., how given.....	23	11
Of appeals from assessments for opening streets, how given.....	24	16
To remove awnings, how given.....	58	1
Of elections, how given.....	6-1 71	1
Of appointment to judges of elections, how given.....	71	2
Of election to office, how given.....	7-2 78	20
Of intention to contest election, how given.....	79	28
To remove or remedy dangerous stoves, etc., how given.....	89	30
To remove wooden buildings in fire limits, how given.....	92	38
To remove dilapidated buildings, how given.....	144	3
To remove dangerous buildings or erections, how given.....	145	7
To gas company to remedy defects in street lamps, how given.....	95-4 96	1
Of gunpowder in burning building, how given.....	98	7
Of small pox, how given.....	101	7
To abate nuisances, how given.....	140	7
To abate nuisances upon lots, etc., how given.....	142	4
Of nuisance warrants, how given.....	147	3
Of sales for nuisance assessments, how given.....	148	7
Of trials of delinquent officers, how given.....	152	9
To provide for idiots and lunatics, how given.....	173	14
To lay sidewalks, how given.....	202	5, 6
To re-lay and repair sidewalks, how given.....	211	21
Of sidewalk warrants, how given.....	209	15
Of sales for sidewalk assessments, how given.....	211	19
To perform street labor or pay street taxes, how given.....	40-3 240	2
Of hearing objections to tax lists, how given.....	27-2 223	12
Of warrants for taxes, how given.....	29-6 227	22
Of tax sales, form of and how given.....	29-9 231	32
By purchasers at tax sales, how given.....	236	41
Of letting of public works, how given and what to contain.....	255	2, 3

NUISANCES.

Power to define and abate.....	13-4 17	32
Power to assess, or recover costs of removing, by suit.....	27	5
Courts to have jurisdiction to abate.....	42	10
Power to declare dilapidated and wooden buildings in fire limits	32	1
Dangerous awnings declared.....	59	4
Bitches running at large, in heat, declared.....	69	5
Brick-yards and brick-kilns in city, declared.....	59	1
Burying-grounds established within city declared.....	60	1
Dilapidated wooden buildings in fire limits, declared.....	143	1
Dangerous buildings or erections declared.....	144	6
Buildings erected contrary to ordinance in fire limits declared.....	92	38

NUISANCES. *Continued.*

Dangerous scaffolds declared.....	145	8
When lots and lands may be declared.....	141	1
Premises offensive, or detrimental to health declared.....	139	1
Hog pens, offensive or annoying, declared.....	139	2
Offensive liquids, substances, etc., declared.....	139	3
Dead animals declared.....	140	5
How abated, officers to abate.....	102-11 140	7
Members of board of health may abate.....	100	5
Board of health to abate.....	102	11
Officers may enter premises to abate.....	102	11
ASSESSMENTS FOR ABATING.—How made.....	146	1
How collected.....	147	2,4
Sales of lots for, how made.....	147	5,8
Notice of sales for, how given.....	148	7
Subsequent proceedings, same as in delinquent tax sales.....	148	8

OAKRIDGE CEMETERY.

Established.....	61	1
Surveyor to lay off and plat grounds of.....	61	2
Plat of to be recorded.....	61	2
Portion of grounds to be allotted to burial of poor, strangers, etc.....	61	3
Lots in, to be appraised, not to be sold for less than appraisal.....	61	3
Proceeds of sales of lots to be expended in improving grounds.....	61	3
Clerk to keep plat and record of, record, how kept.....	62	5
Sales of, and deeds for lots in, how made.....	62	6
Clerk and treasurer to keep accounts concerning.....	63	7
Interments in, how made.....	64	10
Fees for interring in, and how paid.....	65	12
Penalty for trespassing upon, or injuring graves, tombstones, etc.....	66	16

OATHS.

Clerk may administer.....	10	10
Mayor may administer.....	9	7
Of judges and clerks of elections.....	72	5
Of challenged voters at elections.....	7-3 75	12
Of office required of city officers.....	8	1
Of office, of mayor.....	8	2
Of chainmen.....	158	3
Of purchasers at tax sales, before receiving deed.....	237	41
Word "oath" deemed to include "affirmation".....	166	6

OBSCENITY.

Obscene and profane language, penalty for.....	120-13 124	3
Indecent exposure, conduct, dress, etc., penalty for.....	124	10
Selling or exhibiting obscene books, pictures, statutes, etc., penalty for.....	125	11
Indecent or lewd plays, exhibitions, etc., penalty for.....	125	11
Writing or marking obscene words, figures, etc., penalty for.....	125	12
Indecent exhibitions of animals, etc., penalty for.....	125	13

OBSTRUCTIONS.

Of officers or assistants, in taking up, etc., of animals, penalty for.....	196	7
Of officers or assistants in killing dogs, penalty for.....	70	9
Of officers or others, in discharge of duty at fires, penalty for.....	84	12
Of officers in seizing gaming or counterfeiting implements, penalty for...	93	2
Of officers or others, in legal discharge of duty, penalty for.....	131	2
Of streets, penalty for.....	133	7

OFFAL.

Power to regulate steaming or rendering of.....	17	25
Steaming, rendering, etc., of, regulated.....	214	3

OFFENDERS.

To stand committed until payment of fines.....	19	42
Failing to pay fines may be imprisoned.....	19	42
May be required to labor on streets or public works.....	19-42 179	22
Who may arrest.....	44-27 175	7
Officers to arrest, at fires.....	84	13
Arrested, may be detained over night, or Sunday.....	44-27 175	7
Arrested or committed, to be confined in county jail.....	19-42 181	27
May be delivered to supervisor, to labor on streets, etc.....	179	22
Supervisor to compel, to labor on streets or public works.....	179	22
Refusing to labor, or resisting to be recommitted to jail.....	180	23
Escaping, to forfeit labor performed.....	180	23
Paying, or working out fine, to be discharged.....	180	24
Officers having charge of, to furnish board and lodging to.....	180	25
Allowance for board, etc., of, and how paid.....	180	25
May be committed to, and taken from, county jail.....	180	25
Committed. officers to report names, etc., of, to council.....	180	26
Escaping, officers having custody of, to notify mayor and marshal.....	180	26
Penalty for abetting rescue or escape of.....	131	3
Penalty for furnishing weapons, or implements of escape, or liquors to.....	131	3

OFFICERS.

Of city, enumeration of.....	4	1
Council may create additional, and prescribe duties.....	4	1
Power to prescribe duties of.....	11	17
Terms of office of, and how appointed.....	4	2
Time of appointment of.....	47	2
Filling vacancies, terms of office of.....	4	2
Failure to elect, new election to be ordered.....	5	4
Failure to appoint, council may adjourn.....	5	4
What qualifications necessary for.....	6	7
Defaulters incompetent as, who considered defaulters.....	6	7
Becoming defaulters in office, office vacated.....	6	7
Failing to qualify in twenty days after notice, office vacated.....	7	2
Removing from city, or absent three months, office vacated.....	151	7
Oath of office of.....	8	1
Council may require official bonds of.....	12-17 149	1

OFFICERS. *Continued.*

Condition of bonds of.....	12-17 149	1
Not to be sureties on official bonds.....	149	1
New bonds may be required of.....	149	1
New bonds of, not to release sureties on old bond.....	149	1
Official bond of, how drawn, approved, filed, etc.....	149	1
When qualified to be commissioned.....	12-19 149	2
Records, books and papers of, subject to public inspection.....	151	5
To deliver records, etc., to successors.....	12	18
Refusing to deliver records, how recovered.....	12	18
When absent, or incompetent, mayor may assign duties to other officers.....	151	6
Mayor or council may grant leave of absence to.....	151	7
DUTIES AND LIABILITIES OF.—To pay moneys into treasury.....	150	3
To report monthly concerning moneys collected.....	150	3
To make annual reports when required.....	250	13
Not to retain moneys of city toward payment of salary, or fees.....	150	3
To give information pertaining to office.....	151	5
Not to charge fees against city.....	155	3
To keep account of fees received, and report concerning.....	155	3
Liable for negligence, misconduct, etc.....	151	8
Salaries of, may be withheld to secure city from loss.....	151	8
Failing to perform duties, council may employ same done.....	151	8
Costs of performing duties of, to be deducted from salary, or recovered by suit.....	151	8
Certifying contracts, etc., falsely, to be liable for loss.....	257	7
May be compelled to pay over moneys.....	182	29
Delinquent, how proceeded against.....	248	8
Penalty for refusing to deliver records to successor.....	12	18
Penalty for disposing of surplus earth in streets by.....	131-5 257	8
Penalty for leaving city without leave of absence.....	151	7
Not to be interested in city contracts, coming under supervision.....	257	9
REMOVAL OF —may be removed for neglect of duty, or misconduct.....	131	5
Neglecting to keep books or papers properly, may be removed for incom- petency.....	249	10
How may be removed.....	5	5
Charges against delinquent, how preferred and determined.....	152	9
Clerk to deliver copy of charges to accused.....	5-5 152	9
Accused, to be heard in defense.....	5-5 152	10
Attorney to prosecute delinquent.....	152	10
Exceptions to form of charges not allowed.....	152	10
Witnesses, how summoned in trials of.....	5-5 153	11
To be suspended when charges preferred.....	5-5 153	12
Council may fill vacancy of, suspended.....	153	12
Failing to answer charges, office vacated.....	5 5 153	12
Removed, not to receive salary after charges preferred.....	153	12
Elective, may be removed for good cause.....	5	5
Appointed, may be removed by vote of two-thirds.....	5-5 153	15
OFFENSES AGAINST.—Penalty for falsely representing, or exercising powers of.....	130	1

OFFICERS. *Continued.*

Penalty for obstructing, etc.....	131	2
Penalty for refusing to obey lawful command of.....	131	2
Penalty for refusing to aid, when required.....	131	4

OMNIBUSES.

Power to regulate, etc., drivers of.....	15	14
Regulations concerning drivers of.....	115	7
Marshal to designate stands for, at railroad depots.....	116	11

ORDER OF BUSINESS.

Of city council.....	49
----------------------	----

ORDINANCES.

Power to pass, enforce, and punish violations of.....	18	42
Style of.....	44	24
Penal, how published before taking effect.....	42-13 167	12
Proof of publication of, how made.....	42-13 167	12
When may be used in evidence without proof.....	44	23
Digest of, when required.....	44	29
To be enrolled and indexed by clerk.....	167	12
Clerk to attend to proper printing of.....	168	13
Clerk to file and preserve originals of.....	168	13
Clerk may correct clerical errors in.....	168	13
When to be in force.....	168	14
Repealed, when to continue in force until publication of repealing ordinance.....	165	1
Conflicting provisions of, how construed.....	165	2
Repealed, not to be revived by repeal of repealing ordinance.....	166	4
Words importing singular or plural number, or masculine or feminine gender, how construed.....	166	5
Words importing persons, to include corporations.....	166	5
How to be construed.....	167	8
Attorney to draft, or approve form of.....	155	1

ORDINARIES.

Power to license, tax, suppress, etc.....	15	13
What considered, and licenses for, how granted.....	112	5

PACKING HOUSES.

Power to regulate, etc.....	17	35
Regulations concerning.....	213	1

PARTITION WALLS AND FENCES.

Power to regulate, prescribe manner, and order building of.....	33	8
---	----	---

PAUPERS.

Provisions concerning.....	40	4
Penalty for bringing into city.....	172	11

PAWN BROKERS.

Power to license, suppress, etc.....	15	13
--------------------------------------	----	----

PEDDLERS.

Power to license, tax, suppress, etc.....	15	13
Prohibited without license.....	113	1
Who considered.....	113	2
Tax for license as.....	113	3
Regulations concerning, and how license forfeited.....	114	4

PENALTIES.

Power to impose, not exceeding \$500.....	19	42
How recovered.....	19-42 42-14	177 14
Offenders to stand committed until paid.....	19	42
Offenders failing to pay, may be imprisoned.....	43	17
How may be remitted.....	41	10
Not repealed by subsequent ordinance, unless otherwise provided.....	167	9
Imposed by different provisions, prosecutor to elect under which to proceed.....	167	10
Recovery of, under one provision, to bar further suits.....	167	10

PHYSICIANS.

Power to require certain duties of.....	17	36
Penalty for not reporting infectious diseases.....	35-6	102 12

PIN ALLEYS. See BALL ALLEYS.**PITCH.**

Boiling of, regulated.....	87	23
----------------------------	----	----

PLAT OF CITY.

Power to re-survey, re-number, etc.....	41	7
---	----	---

POISONS.

Keeping, sale and delivery of, regulated.....	129	34
---	-----	----

POLICE.

Power to create, establish and regulate.....	16	26
--	----	----

POLICE CONSTABLES.

Appointment, powers, duties and liabilities of.....	174	2
To take oath of office, may be required to execute bond.....	174	4
To have office, or station.....	175	6
To obey orders of marshal.....	175	6
To aid each other in discharge of duties.....	175	6
May exercise powers, and perform duties of marshal.....	166	7
To execute process, same as marshal.....	176-9	302 5
Fees of for executing process.....	10-13	176 9
Commissions of, in lieu of costs.....	181	23
Salary of, and how fixed.....	154-1	174 4
To enforce laws and ordinances.....	175	7
Duties of, in taking up, impounding, etc., of animals.....	104	2

POLICE CONSTABLES. *Continued.*

To remove dangerous awnings.....	59	4
Duties of, in killing, etc., of dogs.....	69	4
Ex officio fire-wardens, duties of, as such.....	89	30
Duties of, at fires.....	82	5
To arrest offenders at fires.....	84	13
To seize gaming and counterfeiting implements.....	92	1
To take up and confine lunatics.....	173	15
To close groceries kept open contrary to ordinance.....	121	18
To enforce liquor ordinances, and arrest drunkards.....	122	19
To stop and arrest persons guilty of fast driving.....	128	30
To abate nuisances, may enter premises to abate.....	102	11
To seize and destroy unsound provisions.....	130	37
To remove trees planted contrary to ordinance.....	251	1

POLICE DEPARTMENT.

How constituted.....	174	1
Mayor to exercise general supervision over.....	174	5
Members of, to enforce ordinances.....	175	7

POLICEMEN.

Power to appoint, remove, prescribe duties of, etc.....	4-2 16	26
Temporary, how appointed, and powers and duties, etc., of.....	176	11

POLICE MAGISTRATES.

How elected and qualified.....	301	2, 3
Jurisdiction, fees and rules of practice of.....	301	3, 4
Process for recovery of fines, etc., how issued by.....	42	15
To whom may direct process.....	10-13 46-5 302	5
Suits for penalties, etc., to be brought before.....	177	14
Suits for penalties, how brought before.....	42-14 177	15
When to issue warrants for arrest of offenders.....	42 15 178	16
Process unnecessary when offender legally arrested without.....	178	17
Officers arresting without process to return cause, etc., of arrest.....	178	17
To enter cause, etc., of arrest on docket.....	178	17
Bail or recognizance, how entered into before.....	178	18
How may issue executions for penalties.....	43	17
To order seizure and destruction of gaming and counterfeiting imple- ments.....	92	1
To issue warrants for searching for gaming and counterfeiting imple- ments.....	93	2
May arrest offenders.....	175	7
Commissions of, in lieu of oaths.....	181	28
To pay fines collected into the treasury	181	29
To report to council quarterly, what report to contain.....	181	29
Council may designate justices of the peace as.....	42-16 182	29
Refusing to hold police court, council may designate others.....	182	29
May be compelled to pay over fines or moneys collected.....	182	29

POLICE OFFICERS.

To aid each other in discharge of duties.....	175	6
To enforce ordinances of city and prosecute offenders.....	175	7
To arrest offenders with or without process.....	175	7
When may arrest without process... ..	44	27
May commit to jail or detain over night or Sunday.....	44-27 175	7
When may enter dwellings to make arrests.....	176	8
May arrest suspected criminals.....	176	8
Mayor may require special police duties of.....	176	12
Making arrests to attend as witnesses and procure evidence.....	179	19
To pay fines collected into treasury.....	181	29

PORTERS.

Power to license, tax, fix charges of, etc., of.....	15	14
--	----	----

PORK.

Power to regulate inspection of.....	16	23
--------------------------------------	----	----

POSSE COMITATUS.

Mayor may call out to enforce laws and ordinances.....	8	3
May be called on to aid at fires.....	83	11
May be called on to aid in arrest or custody of offenders.....	131	4

POULTRY.

Power to regulate inspection and vending of.....	15	18
--	----	----

PREMISES.

Power to compel cleansing of.....	17	34
Penalty for nauseous, foul, offensive, etc	139	1

PRIVIES.

Power to regulate construction, and compel cleansing of.....	17-34 18	40
Drainage of, into sewers prohibited.....	199	11

PRIVATE PROPERTY.

Penalty for injuring, defacing, etc.....	126	22
--	-----	----

PROCESS.

For recovery of penalties, etc., how issued.....	42	15
When unnecessary.....	44-27 178	17
Who may execute.....	10-13 46-5 302	5
For sales for taxes and assessments, what to constitute.....	29	8

PROPERTY GUARDS.

How appointed, and duties and powers of.....	84	14
--	----	----

PROPOSALS. See PUBLIC WORKS.

PROSTITUTES.

Power to restrain and punish.....	16	29
Penalty for being.....	125	16

PROVISIONS.

Power to regulate inspection and vending of.....	15-18	16	23
Penalty for selling unwholesome or diseased.....	130		37

PUBLIC BUILDINGS.

Power to erect, regulate, and place in streets.....	14		9
Penalty for injuring.....	43		18

PUBLIC GROUNDS AND SQUARES.

Power to levy tax for purchasing.....	20		4
Power to lay out and assess costs of.....	21		1
Manner of laying out, opening, etc.....	21		2
Power to improve, protect, and ornament.....	25		3

PUBLIC IMPROVEMENTS.

Power to levy tax for making.....	20		4
-----------------------------------	----	--	---

PUBLIC PROPERTY.

Control of vested in city council.....	13		4
Penalty for injuring, defacing, etc.....	43-18	126	22

PUBLIC WORKS.

Engineer to make plans, etc., and superintend construction of.....	157		1
Officers having charge of to report progress and cost.....	218		6
Contracts for, how let.....	255		2
Clause to be inserted in contracts for.....	257		10
Bids for, how made, awarded, etc.....	255		2, 4
Bonds for contracts, how executed, etc.....	255		3, 5
Payments of contracts for, how made.....	256		6
Advances upon contracts for, when and how made.....	256		6
Surplus earth to be reserved in contracts for street work.....	257		8
Officers not to be interested in contracts for, coming under supervision...	257		9
Engineer and supervisor when required to supervise.....	256		7
Officer to suspend work when not done properly.....	256		7
Officers certifying contracts for, falsely, liable for loss.....	257		7

QUARANTINE REGULATIONS.

Power to establish.....	13		3
-------------------------	----	--	---

QUORUM.

Of city council.....	12		1
Of board of health.....	99		2
Of school inspectors.....	188		4

RAIL ROADS.

Powers concerning.....	18		41
Speed of trains upon, in city regulated.....	182		1
Obstructing of streets with cars, etc., upon, prohibited.....	182		2
Use of trains upon, in city regulated.....	183		3

RAILROAD COMPANIES.

Power to subscribe to capital stock of.....	312	1
ALTON AND SANGAMON RAILROAD COMPANY.—Grant of right of way to, in		
Third street.....	183	1
Conditions of grant to.....	184	1
To construct culverts, etc., under direction of council.....	184	1
SPRINGFIELD, KEOKUK AND WARSAW RAILROAD COMPANY.—Election to be		
held for or against subscription to stock of.....	185	1
Subscription to, when and how to be made.....	185	1
Notice of election, how given.....	186	2
Votes, how cast.....	186	3
Election how conducted.....	186	4

REAL ESTATE.

Of city, exempt from county taxes.....	46	6
Of city, exemption of, from county taxes repealed.....	46	1

REASONABLE TIME OR REASONABLE NOTICE.

Meaning of, defined.....	166	11
--------------------------	-----	----

RECEIPTS.

For street labor, supervisor to give.....	240	3
For street taxes, collector to give.....	242	8
For taxes, collector to give.....	228	25
Treasurer to give duplicate, for moneys.....	248	6
Duplicate of, to be filed with clerk.....	248	6
Not valid, unless duplicate filed with clerk.....	248	6

RECONSIDERATION.

Of vote of council, how taken at special meetings.....	42	11
--	----	----

RECORDS.

Of clerk's office, copies of evidence.....	9	10
Subject to public inspection.....	151	5
Officers to deliver to successors.....	12	18
Engineer to preserve.....	157	2
Of cemetery, how kept.....	62-5 64	9
Sexton to deliver to successor.....	65	15
Possession of, how recovered.....	12	18

RECOVERY.

Of penalty, under one provision, to bar further suits.....	167	10
--	-----	----

RECOGNIZANCE. See BAIL.

REDEMPTION.

From tax sales, how made.....	30-11 235	39, 40
Fees of clerk for.....	235	39
Person making, to pay printers fee, and costs of affidavit.....	237	41

REGRATING.

Power to prevent and punish.....	15	13
----------------------------------	----	----

RELIGIOUS ASSEMBLY.

Penalty for disturbing.....	124	6
-----------------------------	-----	---

REPORTS.

Officers to make, to council monthly.....	150	3
Supervisor to make, monthly.....	160	5
Of supervisor, of delinquent side-walks, how made.....	205	9, 11
Of school agent to be made quarterly.....	194	3
Of school inspectors, how made.....	189	8
Treasurer to make, monthly.....	248	5
Weigher to make monthly.....	164	8
Annual, of officers, how made, and what to contain.....	39-1 250	12

REVISED ORDINANCES.

How to be published, etc.....	55	1
-------------------------------	----	---

RIOTS.

Power to suppress.....	16	27
------------------------	----	----

ROADS.

County court may make appropriations towards, in city.....	47	2
--	----	---

ROAD LABOR.

Inhabitants of city exempt from, without city.....	39	2
--	----	---

ROOFS.

Construction of, in fire limits, regulated.....	90	33
---	----	----

ROSIN.

Boiling, etc., of, regulated.....	87	23
-----------------------------------	----	----

RULES OF PROCEEDINGS.

Power to establish.....	13	3
Of city council.....	49	
Board of health may establish.....	99	2
Board of school inspectors may establish.....	188	4

RUNNERS.

Power to regulate, restrain, etc.....	15	14
---------------------------------------	----	----

SALARIES.

Of aldermen.....	48-3 164	1
Of officers, power of council to fix.....	12	17
Of mayor, clerk, attorney, weigher, assessor and collector, and police constables	154	1
Of marshal, supervisor, and engineer.....	165	1
May be increased or diminished.....	154	2

SALARIES. *Continued.*

Ordinance changing, not to be retroactive.....	154	2
How payable.....	150	4
Of teachers, in public schools, how fixed and paid.....	188-5 191	14

SCAFFOLDS.

Construction, etc., of, regulated.....	145	8
--	-----	---

SCHOOLS.

Powers in relation to.....	37	7
Council to publish annual statement concerning.....	38	18
To be established in public school buildings.....	187	2
To be kept five days in each week.....	192	15
Pupils not residents of city, how admitted into.....	192	17
SCHOOL AGENT.—Appointment, qualification and duties of.....	37-8 193	1
To give bond.....	37-9 193	1
To have custody of school fund.....	37-8 193	1
Salary of, not to be paid from school fund.....	37	9
Penalty for misconduct in office.....	37	9
Duties of, concerning school fund.....	193	2, 3
SCHOOL DISTRICTS.—“Springfield School District” established.....	35	1
Abstract of children in, to be furnished to school commissioner.....	36	4
Power to lay off and establish smaller.....	37	7
How persons residing without city may be annexed to.....	39-20 192	17
SCHOOL FUND.—Of township, how divided between city and township.....	35	2, 3
Of state, proportion to be paid to city.....	36	4
Clerk to receive city's portion of, from school commissioner.....	36-4 191	10
Control of, vested in council.....	36	5
School agent to have custody of.....	37-8 193	1
Principal of, not to be impaired.....	37	6
Interest of, how to be applied.....	37	6
How to be loaned.....	38-10 193	2
When loan of, insecure, how agent to proceed.....	38-17 193	2
Council may reduce interest on.....	38	10
Debts due to, preferred.....	38	13
Securities for, how taken, and suits, how brought.....	38	11
Borrower of, to pay costs of recording, securities, etc.....	38	12
Fifteen per cent interest to be charged upon default.....	38	14
Suit may be brought for interest on.....	38	14
Rate of interest on judgments for.....	38	15
City may bid at sales on execution for.....	38	15
Ten per cent to be paid for redemption from sales for.....	38	15
Costs not to be taxed against.....	38	16
SCHOOL INSPECTORS.—Power to appoint, and prescribe duties of.....	38	7
Appointment, powers and duties of.....	187	3
To appoint chairman and secretary, duties of secretary.....	188	3
City clerk to provide books, etc., for secretary of.....	188	3
Meetings, and quorum of, may make rules, etc.....	188	4
May employ teachers, not to employ exceeding one year.....	188	5

SCHOOLS. *Continued.*

To examine and classify teachers, may remove teachers.....	188	5
To prescribe studies, books, apparatus, etc., of schools.....	189	6
To visit schools, and classify and apportion pupils in.....	189	7
How, and to whom, to grant permits to enter schools.....	189	7
May suspend, or expel pupils.....	189	7
To report quarterly, and annually, concerning schools.....	189	8
May publish proceedings of board.....	190	8
To furnish information, and recommend measures concerning schools, to council.....	190	9
To report to county school commissioner.....	190	10
Expenditures by, how made, may contract for fuel, etc.....	190	11
To approve schedules of teachers.....	191	14
To regulate terms, or quarters, of schools.....	192	15
To inform themselves concerning schools.....	192	16
To supervise schools of negroes.....	193	18
PRINCIPAL OF.—To have custody of school buildings, etc.....	191	13
To report schedules of teachers to inspectors, monthly.....	191	14
SCHOOL TAXES.—Power to levy, how expended and appropriated.19-1 39-19 194		4
Negroes to be allowed portion of.....	193	18
SCHOOL TEACHERS.—Qualifications, classification, and removal of.....	188	5
To subscribe declaration.....	191	12
Salaries of, how fixed and paid.....	188-5 191	14
To make recommendations concerning schools.....	192	16
Schedules of, how returned, and form of.....	191	14
SCHOOL TRUSTEES.—Power to appoint, and prescribe duties of.....	37	7

SCUTTLES.

Power to compel householders to provide.....	33	9
Owners of buildings to provide.....	88	27

SEAL.

Power to establish corporate.....	3	2
Mayor may certify under.....	9	7
Clerk to have custody of.....	9	10
Corporate, established.....	194	1
When impression of, to bind city.....	195	2

SERVICE BOXES.

Of gas company, penalty for removing lids of.....	127	27
---	-----	----

SEWERS.

Power to construct and lay in streets.....	14-6, 7 25	2
Power to extend, alter, or enlarge.....	26	3
Power to levy tax for.....	26	3
Power to borrow money for constructing.....	26	3
Power to apportion costs of, and collect by annual assessment.....	26	3
Ordinance creating debt for, not to be repealed or altered.....	26	3
When council may order building of.....	26-3 195	1
Tax to be levied annually to defray costs of.....	196-1 197	3

SEWERS. *Continued.*

Clerk to enter tax for, in collector's warrant.....	197	4
Clerk to file petitions for.....	199	12
Mayor may borrow money and issue bonds to construct.....	196	2
Bonds for, how issued and payable.....	196	2, 3
Collector to collect tax for.....	197	4
Engineer to report progress and cost of.....	197	5
How to be constructed, surface drainage into, how effected.....	197	6
Drainage of private property into, how effected.....	198	7
Lateral, how constructed.....	198	8
Costs of repairs of, how defrayed.....	199	9
Penalty for draining into contrary to ordinance.....	199	10
Penalty for draining privies or cesspools into.....	199	11

SEWER DISTRICTS.

Power to establish.....	26	2
Clerk to keep accounts with.....	197	5
Engineer to keep plat of.....	199	13
FIRST SEWER DISTRICT—Established.....	199	14
Sewers ordered to be built in.....	200	15
Costs of sewers in, how defrayed.....	200	16
Mayor may borrow money and issue bonds for sewers in.....	200	17
Bonds, how issued, and proceeds how expended.....	200	17

SEXTON.

Appointment, powers and duties of.....	63-8	65	14
To keep plat and record of Oakridge Cemetery.....	64		9
Not to make interment without clerk's certificate.....	64		11
How to make interments.....	64	10, 11	
To make entry of interments on record.....	64		11
To return certificates of interment to clerk monthly.....	64		11
To compare certificates of interment with record.....	64		11
To make entry of disinterments and re-interments.....	65		13
Fees of, and how paid.....	65		13
Penalty for misconduct of.....	65		14
To deliver records to successor.....	65		15
Power to impose penalties upon, etc.....	17		26
Of cemeteries, etc., to return bills of mortality.....	66		18

SHAVINGS.

Burning of, regulated.....	87	22
Penalty for scattering, etc.....	88	28

SHEDS.

Use of fires in, regulated.....	87	24
Construction of, in fire limits regulated.....	90	33

SHOPS.

Of carpenters, etc., regulations concerning.....	86	18
--	----	----

SHOWS. See EXHIBITIONS.

SHOW BILLS.

Penalty for placing upon buildings, fences, etc.....	128	29
--	-----	----

SHOW WINDOWS.

Construction of regulated.....	135	16
--------------------------------	-----	----

SIDEWALKS.

Power to establish, construct, regulate, etc.....	14-7	25	2
Power to prevent incumbering, and compel cleansing of.....	14		12
Power to sue for, or assess costs of constructing.....	27		4
How to be constructed.....	201		1
By whom and time in which to be built	26-4	204	8
Width of.....	202		3
When to be built of same materials and width.....	202		3
When to be built full width.....	202		4
How ordered, and form of order for.....	202		4
Notice to build, how given.....	202		5, 6
Supervisor to supervise laying, etc. of, duties respecting.....	201		2
Supervisor to give notice to build.....	203		6
Supervisor to report delinquent, what report to contain.....	205		9
Not laid properly, supervisor may report as delinquent.....	201-2	205	9
Supervisor to file copy of clerk's notice for with report.....	205		9
Council to order supervisor to construct delinquent, form of order.....	205		10
Supervisor to construct delinquent, and report costs to council, form of report.....	206		11
Supervisor may apportion costs of.....	206		11
Costs of building may be recovered by suit, or assessed.....	206		12
Repairs, or relaying of, how made.....	211		21, 22
Costs of repairing, or relaying, how collected.....	211		22
Grades of, how established.....	212		23
Engineer to give grades for, without charge.....	212		23
Penalty for laying contrary to ordinance.....	212		24
Penalty for not repairing, after notice.....	213		25
Owners of adjoining premises, liable for bad condition of.....	213		24, 25
Penalty for throwing rubbish, ashes, dirt, etc., upon.....	134		11
Penalty for throwing, or kindling fires, upon planked.....	134		12
Placing of goods, signs, etc., over or upon, regulated.....	136		18, 19
Penalty for driving upon, etc.....	136		20
Use of stairs, cellar ways, etc., upon, regulated.....	135		16
Penalty for obstructing with wagons, teams, or animals.....	137		21
Owners or occupants of adjoining premises, to clean.....	137		22
Water draining from buildings, not to spread over.....	137		24
Supervisor to enforce ordinances concerning.....	160		6
ASSESSMENTS FOR.—How made, form of order for.....	207		12
Clerk to issue warrant for, form of warrant.....	208		13
Clerk to take collector's receipt for warrant for, and charge him with amount.....	208		14
Collector, how to collect warrants for, to give notice.....	209		15
Powers of collector, in collecting warrants for.....	209		16

SIDEWALKS. *Continued.*

Warrants for, how returnable.....	208	13
Council may extend return of warrants for.....	209	16
SALES FOR ASSESSMENTS FOR.—Council may order, form of order.....	209	17
Warrant and order of sale for, to constitute process.....	210	18
Clerk to deliver copy of order and warrant to collector.....	210	18
Collector to sell, notice of sale, how given.....	210	19
Sale may be stopped by paying assessment and costs.....	210	19
Sale and subsequent proceedings, how conducted.....	211	20

SIGNS.

Not to project over side-walks.....	136	18
Penalty for injuring, defacing, etc.....	128	28

SLAUGHTER HOUSES.

Power to prohibit, regulate, etc.....	17	35
Prohibited within city.....	215	1
Prohibited within mile of city, without permit.....	215	2
Permits for, how granted and revoked.....	214	2, 3
Cleansing of, regulated.....	214	3
Marshal to enforce ordinances concerning.....	214	5

SMALL POX.

Notices of, how put up.....	101	7
Penalty for endangering spread of.....	101	8

STAIRS—STEPS.

Construction of, upon side-walks and alleys, regulated.....	135	16
---	-----	----

STABLES.

Power to regulate and compel cleansing of, etc.....	17	34, 35
---	----	--------

STOVES.

How to be put up.....	85	16
-----------------------	----	----

STOVE PIPES.

How to be constructed.....	85	16
Cleaning of, regulated.....	88	25

STRAW.

Deposit, stacking and burning of, regulated.....	87	21, 22
Penalty for scattering, etc.	88	28

STREETS AND ALLEYS.

Exclusive control over, vested in council.....	14	6
Power to prevent encroachments, obstructions, and incumbrances of.....	14	6, 12
Power to lay out, open, abolish, etc.....	14-6	21
Power to establish boundaries, and names of.....	41	7
Grades and boundaries of, how established.....	11-14	157
Engineer to keep diagram of grades and boundaries of.....	157	2
OPENING, ETC., OF.—Power to prescribe manner of making assessments for	25	18
Proposed to be laid out or opened, to be surveyed.....	21	1

STREETS AND ALLEYS. *Continued.*

Guardians may be appointed for infant owners of land, proposed to be taken for.....	25	19
Notice to be given of intention to open, manner of notice.....	21	2
Commissioners to assess damages for, how appointed.....	21	2
Commissioners for, how sworn.....	21	3
Notice of time and place of making assessments for, how given.....	21	3
How damages to buildings to be assessed for.....	22	4
Notice of assessment of damages to buildings for, how given to owners..	22	5
Owners may remove buildings condemned for.....	22	5
Buildings condemned for, may be sold when owners refuse to remove....	22	6
Damages to lands, how assessed and awarded for.....	22	7
Damages and benefits to be assessed for.....	22	8
Damages, how assessed when land and buildings belong to different owners, or leased or mortgaged.....	23	9
Damages to be assessed on property benefited.....	23	10
Assessments for, how returned to council.....	23	10
Notice of return of assessment for, how given.....	23	11
Powers and duties of council concerning assessments for.....	23	11
Damages to be paid before lands taken for.....	23	13
Damages, if owner non resident, to be deposited to his use.....	24	13
Leases, contracts, etc., to be discharged on lands condemned for.....	24	14
Leases, etc., discharged <i>pro rata</i> , when part of land condemned for.....	24	15
Appeals from final order of council for, how taken.....	24	16
Owner of lands to pay assessments of benefits for	25	17
Person not liable, paying assessments for, may recover of person liable..	25	17
GRADING, PLANKING, REPAIRING, ETC., OF.—Power to grade, plank, etc....	25	1
Power to levy tax for grading, planking, etc., of streets.....	26	4
Supervisor to superintend repairs, improving, cleansing, etc., of.....	159	1
How graded, planked, etc.....	216	1
Costs of planking, etc., how defrayed.....	216	2
Tax for planking, etc., how levied and collected.....	216-2	5
Mayor may borrow money and issue bonds for planking etc., bonds, how issued.....	217	3
Costs of repairs of planked streets, how defrayed.....	218	8
ALLEYS.—Power to compel property owners to cleanse plank, etc.....	27	6
How planked, and costs of planking of, how defrayed.....	218	9
OBSTRUCTION, ETC., OF.—Penalty for placing building materials in, without permit.....	132	1
Penalty for removing buildings through, without permit.....	132	2
Penalty for making erections, etc., encroaching upon.....	132	3
Penalty for making erections, etc., without ascertaining line of.....	132	4
Penalty for not removing encroachments upon, after notice.....	133	5
Penalty for repairing buildings, fences, etc., encroaching upon.....	136	17
Excavations in, making, filling, etc., of, regulated.....	133	8
Planked streets, penalty for injuring, etc.....	133	8
Planked streets, penalty for throwing or kindling fire upon.....	134	12
Penalty for throwing ashes, rubbish, etc., upon.....	134	11
Obstructing with merchandise, fuel, etc., regulated.....	135	13

STREETS AND ALLEYS. *Continued.*

Press of teams, vehicles, animals, etc., in, how abated.....	135	14
Officers to remove obstructions in.....	133	6
Supervisor to enforce ordinances concerning.....	160	6
Penalty for removing or disposing of earth from.....	134-10 257	8

STREET GUTTERS.

Power to compel cleansing of.....	24	12
Supervisor to keep open.....	159	1

STREET LABOR AND STREET TAXES.

Power to require, or collect.....	20	6
Who required to perform or pay.....	20-6 239	1
STREET LABOR.—Notice to perform, how given.....	40-3 239	2
Supervisor to supervise persons performing.....	240	3
Supervisor to give receipt to persons performing.....	240	3
Supervisor not to receive money in lieu of.....	240	3
Supervisor to return list of persons performing, form of return.....	240	4
STREET TAXES.—When to be paid.....	239	1
Clerk to return list of names on poll books for.....	241	5
Clerk to charge names on list with.....	241	5
Clerk to charge delinquents for former years with.....	241	5
Council to approve lists for, and order warrants for.....	241	6
Clerk to issue warrants for and deliver to collector.....	242	7
Warrants for, how collected and returned.....	40 3 242	8
May be collected by suit.....	40-3 243	9
Set off, not allowed in suits for.....	20	6
To be expended in wards paying.....	41-8 161	7

SUITS.

For penalties how brought.....	42	14
For penalties, attorney to prosecute.....	155	2
When may be brought for taxes.....	29 6 227	23
May be brought for street taxes.....	40-3 243	9
When may be brought on bonds of officers.....	249	8
For penalties not repealed by subsequent ordinance.....	167	9
For penalties to be brought before police magistrates.....	43-16 177	14

SUMMONS.

When to be issued.....	42	15
------------------------	----	----

SUNDAY.

Penalty for keeping open places of amusement on.....	126	18
Penalty for disturbing peace, good order, and quiet on.....	124 7 126	19
Penalty for keeping open place of business, or pursuing daily labor on.....	126	20
Penalty for selling liquors or keeping open groceries on.....	119	7

SUPERVISOR.

Duties of.....	11	16
To notify property owners to plank alleys, etc.....	218	9
To notify removal or alteration of awnings.....	58	1, 3

SUPERVISOR. *Continued.*

To remove dangerous awnings.....	59	4
Duties of, at fires.....	82	5
To abate nuisances, may enter premises to abate.....	102	11
Salary of.....	165	11
To supervise repairs and improvements of streets and alleys, etc.....	159	1
Not to make improvements, without order of council.....	159	1
To cleanse and open gutters of streets and alleys.....	159	1
When may employ laborers, carts, teams, etc.....	159	2
To oversee and direct workmen, and keep account of time.....	159	2
To make requisition on mayor for materials and implements.....	160	2
To keep account of expenditures.....	160	3
To keep list of property of city, and account for same.....	160	3
To deliver implements, etc., to successor, and file receipts.....	160	3
To report bill of implements, etc., purchased to clerk.....	160	3
To mark, or brand implements, etc., of city.....	160	3
To examine and certify accounts for materials, etc.....	160	4
To report expenditures to council monthly.....	160	5
Accounts of, to show to what ward chargeable.....	160	5
To obey orders of council, mayor or street committee.....	161	6
To enforce ordinance concerning streets, alleys and side-walks.....	161	6
May arrest offenders against streets, alleys and sidewalks.....	176	10
To compel offenders committed, to labor on streets.....	180	22
To supervise laying, etc., of sidewalks, duties of, concerning	201	2
To give notice to lay side-walks, form of notice.....	203	6
To report delinquent side-walks.....	205	9
To build delinquent side-walks, and report costs.....	206	11
To give notice to repair, or relay side-walks.....	211	21
To repair or relay dangerous side-walks, without notice.....	11	21
To repair or relay sidewalks upon failure of owners, and report costs.....	212	22
To give notice to perform street labor, form of notice.....	40-3 239	2
Neglecting to give notice for street labor, liable for loss.....	240	2
To attend and direct street laborers.....	240	3
To give receipt to persons performing street labor.....	240	3
Not to receive moneys in lieu of street labor.....	240	3
Not to transfer duties, as supervisor.....	240	3
To return list of persons performing street labor.....	240	4
To remove trees planted contrary to ordinance.....	251	1
To supervise public works, when required.....	256	4
Certifying contracts falsely, liable for loss.....	257	7
Penalty for disposing of surplus earth in streets.....	134-10 257	8
Not to be interested in contracts coming under supervision.....	257	9

SURVEYOR. See ENGINEER.

SWINE. See Hogs.

TALLOW.

Power to regulate steaming and rendering of.....	17	35
Steaming of, regulated.....	213	1
Penalty for steaming tainted.....	214	4

TANNERIES.

Power to compel cleansing of, regulate, etc..... 17 34,35

TAR.

Boiling of, regulated..... 87 23

TAXES.

Power to levy for general purposes.....	19	1
Power to levy for schools.....	19	2
Power to levy to pay interest on city debt.....	19	3
Power to levy, for public improvements, etc.....	20	4
Power to levy, for lighting streets.....	20	5
Power to levy, for building sewers.....	26	3
Power to levy, for planking streets, etc.....	26	1
What property exempt from.....	291	3
City exempted from county.....	40-4 46	6
Exemption of city from county, repealed	46	1
To be levied by ordinance or resolution.....	28-3 225	17
Clerk to calculate amount of.....	225	18
For years omitted, how assessed and collected.....	226	18
When due and payable.....	227	20
When a lien on real and personal property.....	28-4 227	20
Duty of collector, when paid on same property by different persons.....	238	44
Erroneously paid, to be refunded.....	238	45
May be collected by suit or distress.....	29-6 227	23
What deemed a demand for, and refusal to pay.....	29-6 227	22
PERSONAL PROPERTY.—How listed for.....	219	2
Collector to require certified statements of, for.....	220	3
What subject to.....	220	3
Who required to list for.....	220	3
To be assessed and valued at cash valuation for.....	220	4
How to be assessed and valued.....	220	4
When to be listed upon oath.....	221	4
To be listed and assessed for years omitted.....	222	10
Liable for taxes on real estate.....	28-4 229	27
May be distrained for real estate taxes.....	29-6 229	27
Delinquent taxes on, may be charged to real estate.....	28-4 230	29
REAL ESTATE.—How listed for.....	219	1
How assessed for	220	3
To be valued at cash valuation for.....	220	4
To be listed and assessed for years omitted, for.....	222	10
Liable for taxes levied thereon.....	229	27
When liable for personal property taxes.....	28-4 229	27
Delinquent personal taxes may be charged to.....	28-4 230	29
May be sold for delinquent.....	230	30
WARRANTS FOR.—Clerk to issue.....	28-5 225	18
When to be issued, and what to contain.....	29-6 225	18
Form of, and when returnable.....	226	19
Clerk to take duplicate receipts for.....	227	21

TAXES. *Continued.*

Clerk to file collector's receipt for, with treasurer.....	227	21
Collector to correct errors in.....	228	26
How returned, and form of return.....	229	28
Collector to report errors in.....	230	29
SALES FOR.—Power to prescribe manner of conducting.....	30	10
Council to order, form of order for	29-8 230	30
Clerk to deliver copy of order of sale, and warrant, to collector.....	231	31
Warrant and order of sale, to constitute process for.....	29-8 231	31
Real estate may be sold within two years after approval of lists.....	29-8 231	31
How made, and notice of, how given.....	29-9 231	32
Payment of taxes and costs, to stop.....	29-9 232	33
When and where to be made.....	232	34
How conducted.....	232	35
When city clerk to attend.....	233	35
Clerk and collector not to bid at; bids of, void at.....	233	35
To be made for smallest portion of real estate.....	30-10 233	36
Purchasers to pay taxes bid at.....	233	36
Penalty for forfeiting at.....	233	36
To be continued from day to day.....	233	36
Certificates of purchase at, form of and how made.....	233	37
Collector to return list of, return how made.....	234	38
Council to approve collector's return of.....	235	38
Clerk to record list of.....	30-10 235	38
Collector to refund double purchase money for erroneous.....	238	45
Clerk to make entry on record, of erroneous.....	238	47
Not invalid because property not listed in name of owner.....	238	48
City may be purchaser at.....	31	13

See ASSESSMENT LISTS—ASSESSOR AND COLLECTOR.

TAX DEEDS.

Council to order, how executed.....	31-11 236	41
Purchaser to give notice and make oath before receiving.....	236	41
Clerk to make out and deliver.....	237	42
Clerk to make entry of, in record of tax sales.....	30-11 237	42
Fees of clerk for making.....	30	11
Assignee of tax certificate entitled to.....	30-12 236	41
Of what facts <i>prima facie</i> and conclusive evidence.....	31	14
What facts parties claiming adverse to, required to show.....	31	14

TAX RECEIPTS.

Collector to give, upon receipt of taxes.....	228	25
---	-----	----

TEAMS.

Press of, in streets, etc., how abated.....	135	14
Penalty for leaving in streets, etc., without fastening.....	128	31
Meeting in streets, etc., to turn to right side.....	128	32

TELEGRAPH POSTS AND WIRES.

Penalty for injuring, etc.....	127	24
--------------------------------	-----	----

THEATRICAL EXHIBITIONS. See EXHIBITIONS.

TIE VOTE.

How determined.....	6-8 77	19
---------------------	--------	----

TIMBER.

Power to regulate inspection and measuring of.....	16	21
--	----	----

TIPPLING SHOPS.

Power to suppress, etc.....	15	15
-----------------------------	----	----

TOWN BRANCH.

Powers concerning.....	41	6
Obstructing, etc. of, prohibited.....	244	1
Channel of, in Bullock's additon established.....	244	1
Engineer to enter plat of, in diagram of grades.....	245	2
See BRANCHES.		

TRANSIENT TRADERS.

Sales by, prohibited without license.....	245	1
License for, how taxed, etc.....	245	2
Sales by, under name or firm of others prohibited.....	246	3
Meaning of term defined.....	246	4

TREASURER.

Duties of.....	10	11
Accounts of, how to be kept.....	247	4
To be credited with warrants cancelled.....	247	2
To keep list of warrants redeemed, list how kept.....	247	4
To cancel warrants redeemed.....	247	4
To report to council monthly.....	248	5
To return cancelled warrants to clerk monthly.....	248	5
How warrants to be paid by.....	248-5 305	3
To give duplicate receipts for moneys.....	248	6
To receive moneys on order of clerk.....	248	6
To make annual report, when to be made, and what to contain....	10-12 250	13
To keep account of moneys deposited for animals sold.....	105	5
To keep cemetery account and report concerning.....	63	7
To give receipts for moneys received for cemetery lots.....	63	6
To keep account of lamp taxes.....	97	2
To credit school fund with moneys received from school commissioner....	191	10
To credit school agent with school fund paid.....	194	3
To keep account of school taxes and report concerning.....	194	4
To keep account of street plankng taxes.....	218	5
To charge collector with amount of receipts for tax warrants.....	227	21
To charge collector with amount of receipts for street tax warrants.....	242	7

TREASURY WARRANTS.

How issued and signed.....	10-12 246-1 305	1
Clerk to keep list of, list of how kept.....	246	1
Clerk to charge to proper fund.....	247	3
Treasurer to keep list of redeemed, list how kept.....	247	4
Treasurer to cancel when redeemed.....	247	4
Who to receive payment of.....	248-5 305	3
When lost how duplicate issued....	248	7

TREES.

Power to direct and regulate planting of.....	14	10
Planting of along streets regulated.....	251	1
Trimming of regulated.....	251	2
Penalty for injuring, defacing, etc.....	128-28 251	3

UNLAWFUL ASSEMBLY.

Penalty for.....	123	1
------------------	-----	---

UNWHOLESOME OCCUPATIONS.

Power to regulate, etc.....	17	35
-----------------------------	----	----

UNWHOLESOME PROVISIONS.

Penalty for selling, etc.....	130	37
-------------------------------	-----	----

VACANCIES.

Officers filling, to hold for unexpired term only.....	4	2
In office of mayor or aldermen, how filled.....	6	6
Except for mayor or aldermen, to be filled by appointment.....	6	6
Election to fill, how ordered.....	6	6
No election to be called to fill, if three-fourths of year has expired.....	6	6
In judges of elections, how filled.....	71	3
In board of health, how filled.....	99	2

VAGRANTS.

Power to restrain and punish.....	16	26
Who considered, and penalty for being.....	126	17

VEGETABLES.

Power to regulate vending of.....	15	18
-----------------------------------	----	----

VEHICLES.

Power to compel fastening of animals attached to.....	16	28
Penalty for leaving animals attached to, in streets, without fastening....	128	31
Meeting in streets, etc., to turn to right side.....	128	32
See DRAYS—HACKMEN.		

VENUE.

Change of, how allowed in police magistrate courts.....	301	3
Change of, not allowed in liquor cases.....	46	3

VETO.

Power of mayor to.....	9	7
Majority of council may overrule.....	9	7

VOTE.

Of council, how reconsidered at special meetings.....	42	11
Tie, how determined.....	6-8 77	19

VOTERS.

Who legal, at elections.....	7-3 74	11
To vote in wards.....	7-3 74	11
Who may challenge.....	7-3 74	12
Oath of challenged.....	7-3 75	12
Exempt from arrest on civil process, during elections.....	7	5

WAGONS. See TEAMS—DRAYS.

WAGON CROSSINGS.

Over sidewalks, how constructed.....	202	1
--------------------------------------	-----	---

WARDS.

How to be constituted.....	4	3
Power to create additional.....	4	3
How represented in council.....	4	3
Local expenditures in, how made.....	41-8 57	1
Defined.....	253	1
To constitute school districts.....	187	1

WARRANTS.

For arrest of offenders, when to be issued.....	42-15 178	16
For arrest of offenders, when unnecessary.....	44-27 175-7 178	17
For witnesses in contested elections, how issued.....	79	30
For witnesses in trials of officers, how issued.....	153	11
For seizing gaming and counterfeiting implements, how issued.....	93	2
For collection of nuisance assessments—See NUISANCES.		
For collection of side-walk assessments—See SIDE-WALKS.		
For collection of taxes—See TAXES.		
For collection of street taxes—See STREET TAXES.		
On treasury—See TREASURY WARRANTS.		

WATCHMEN.

Power to appoint, and prescribe powers and duties of.....	16	26
Power to authorize appointment of, by mayor.....	4	2
Power to authorize removal of, by mayor or marshal.....	4	2
Appointment, terms of office, duties, etc., of.....	174	3
To take oath of office, bond may be required of.....	174	4
Salary of, how fixed.....	174	4
To be subject to control of marshal.....	175	6
Temporary, how appointed, qualified, etc.....	176	11

WATER.

Power to provide city with.....	14	5
Draining from buildings, not to run over sidewalks.....	137	24

WATER COURSES.

Powers concerning.....	14-7 41	6
------------------------	---------	---

WEIGHER.

To be appointed annually.....	162	1
To attend public scales, and weigh loads or parcels offered.....	162	1
To make entry of kind and weight of loads weighed.....	162	1
To give certificate of weight of loads weighed.....	162	1
Certificate of, to state quantity of load weighed.....	163	4
Certificate of, to be delivered on sale of load.....	162	1
How to ascertain net weight and quantity of load.....	162	4
How to compute quantity of articles weighed.....	163	4
To prosecute persons guilty of fraud in weighing.	164	5
To keep in repair, and test scales.....	164	6
Who incompetent as.....	164	7
Clerk to provide books and blank certificates for.....	164	8
To report monthly, and pay into treasury.....	164	8
Penalty for giving false certificate of weight.....	164	9
Salary and fees of.....	154-1 162	3

WEIGHERS.

Power to appoint.....	16	23
-----------------------	----	----

WEIGHTS AND MEASURES.

Power to establish, regulate, and require sealing of.....	15	20
Penalty for using false.....	130	38

WELLS.

Power to provide public.....	14	5
Penalty for meddling, etc., with public.....	138	3
Power to require householders to provide.....	32	4

WHISKY.

Power to regulate inspection of.....	16	23
--------------------------------------	----	----

WITNESSES.

Citizens of city not incompetent as.....	43	19
Power to compel attendance of.....	5	5
In contested elections, how summoned, etc.....	80	30
In trials of officers, how summoned, etc.....	153	11
Officers making arrests to attend as.....	179	19
Fees of, in police magistrates' courts.....	179	20
Collector may examine, concerning value of property.....	222	8

WOOD.

Power to regulate measuring and selling of.....	16	22
---	----	----

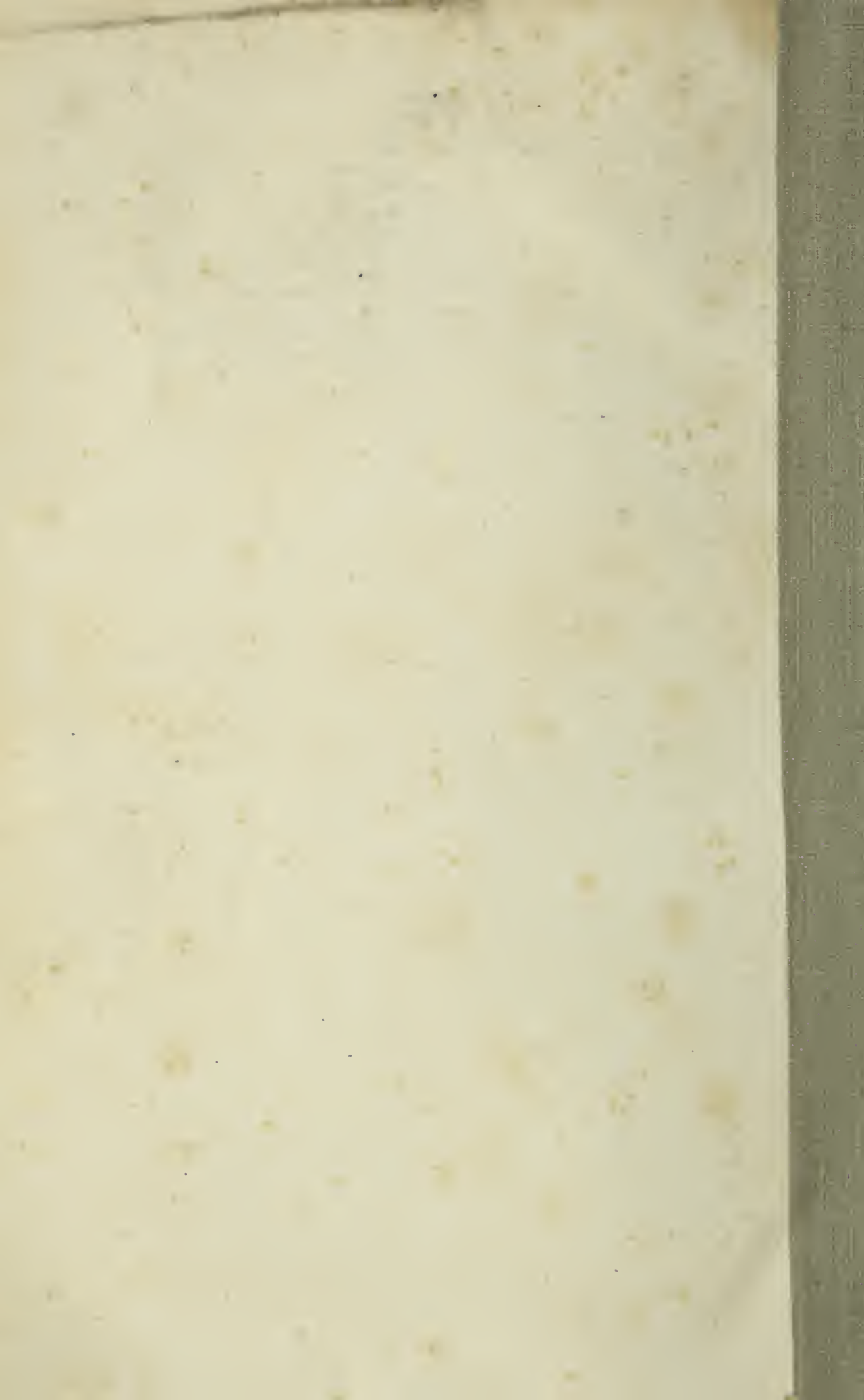
WOODEN BUILDINGS. See BUILDINGS.

WORKHOUSE.

Power to establish, regulate, and appoint keepers of.....	17	38
Power to levy tax for building.....	20	4
Who may be confined in.....	17	38

YARDS.

Power to fill up, drain, etc., and assess costs.....	18	40
--	----	----



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